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ABSTRACT

This reference guide contains laws, rules, and regulations of the State Education Department that govern social work practice in the state of New York. It highlights requirements and procedures for obtaining licensure and first registration as a social worker, and authorization of licensees for insurance reimbursement. Included are sections on: (1) professional regulation in New York; (2) licensure requirements; (3) insurance qualification requirements; (4) licensure forms; (5) education law; (6) civil practice laws and rules; (7) commissioner's regulations; and (8) rules of the Board of Regents. The latter section concerns issues of disciplinary proceedings in the professions, role of the Committee on the Professions, procedures for determination of good moral character, and provisions concerning unprofessional conduct for all professions in general and for the health professions in particular. Also included is a listing of social work programs in the United States which are registered by the New York State Education Department and accredited by the Council on Social Work Education. (NB)

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SOCIAL WORK HANDBOOK

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THE STATE EDUCATION DEPARTMENT
Office of the Professions
Cultural Education Center
Albany, New York 12230

SOCIAL WORK HANDBOOK

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PREFACE

This book has been developed to serve as a reference guide. It contains laws, rules and regulations of the State Education Department that govern social work practice in the State of New York. This book also highlights requirements and procedures for obtaining licensure and first registration as a social worker, and authorization of licensees for insurance reimbursement.

The following phone numbers and units in the State Education Department may be contacted for inquiries related to:

	Telephone Numbers 518 Area Code
Licensure Forms and Requirements (Social Work Processing Unit)	474-3326
Licensure Parchments (License Unit)	474-3824
Registration Status (Registration Unit)	474-3810
Scope of Practice Issues (State Social Work Board)	474-4974
Verification of Licensure/Registration (Customer Service Unit) In-State/Other than 518 (A general statement – no fee required)	474-6097 1-800-342-3729
Certification of Licensure (Customer Service Unit) (A detailed statement – $20.00 fee required)	474-6097

In writing to the State Education Department, letters should be addressed to the attention of the appropriate unit, for instance:

Attention: Social Work Processing Unit
New York State Education Department
Division of Professional Licensing Services
Cultural Education Center
Albany, NY 12230

This publication replaces the Certification of the Professional Social Worker, November 1985.

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NOTICE

CHANGES ARE CONSTANTLY MADE IN THE LAW AND RULES. THEREFORE, THE READER MUST BE AWARE THAT THE INFORMATION CONTAINED IN THIS BROCHURE IS INFORMATIONAL BUT MAY NOT BE TOTALLY CURRENT.

CONTACT THE STATE BOARD FOR SOCIAL WORK IF YOU HAVE ANY QUESTIONS.

PROFESSIONAL REGULATION IN NEW YORK STATE

State regulation in 31 fields of professional practice, including issuance of licenses and enforcement of rules of professional conduct, is vested in the Board of Regents in New York. Medicine was the first profession regulated by the Board of Regents with the establishment of licensure of physicians in 1892. The profession of Social Work has been credentialed by the Regents since 1966.

Practice of a profession is a public trust, earned through educational preparation, experience, passing rigorous examinations, and commitment on the part of the practitioner to public service. The professional carries out that trust in accordance with ethical standards developed through years – often decades and even centuries – of the best professional traditions, and in accordance with state law and regulations. Professional practitioners are urged to be always conscious of the very special obligations of public service and of ethical conduct that the privilege of licensure creates.

The New York system of professional regulation is unique in that it places a citizen body, the Board of Regents, which is responsible for education at all levels, in charge of the education, licensing and discipline of the professions. It is also unique in providing for boards to advise the Commissioner and the Regents on all matters relating to licensure and discipline. The boards, each aided by an Executive Secretary appointed by the Regents, provide communication links to the professions and the public. The boards make recommendations on policy and on disciplinary issues and provide advice to the Department and the Board of Regents.

Under policy established by the Board of Regents the Title VIII professions are administered through the following units of the Office of the Professions in the Office of Higher and Professional Education.

Professional Education and Professional Boards

The Department monitors programs of professional education according to standards for registration (accreditation) established by the Board of Regents. Specifically, through Board Executive Secretaries and consultants, the Department evaluates proposed new programs as well as currently registered programs in some 300 institutions that prepare individuals for the practice of one or more professions. Information concerning registered programs, including licensure-qualifying programs in the professions, may be obtained by contacting the appropriate Board office.

Twenty state boards for the professions are appointed by the Board of Regents to advise the Department and the Regents on matters relating to professional licensure, practice and conduct. The law provides that these boards be comprised of a number of licensed professionals and one or more "public members," consumers of the services provided by the profession concerned. Some 300 persons serve on the twenty boards.

Minority Access to the Licensed Professions

The regents are committed to the premise that equal educational opportunity in programs that lead to licensure is a right of all New York State residents. Despite progress in achieving greater access for minorities and disadvantaged populations, there still exists a severe under-representation of minorities in the licensed professions. To correct this problem, the Regents and the State Education Department endorse a coordinated and comprehensive effort involving the sustained efforts of the educational system, professional boards, professional associations and societies, government, industry, parent groups, and individual professionals. Any persons or organizations interested in learning more about or participating in state and local projects may contact the Executive Secretary for the State Board of the involved profession.

Professional Licensing Services

The Division of Professional Licensing Services of the State Education Department issues more than 50 different authorizations to practice in the 31 professions licensed or otherwise credentialed by the Department and Board of Regents. In cooperation with the Executive Secretary of the State Board in each licensed profession, the Division of Professional Licensing Services is responsible for enforcing licensing rules and regulations and assuring that the standards set by law are met prior to licensure.

The Division also administers the registration system for licensed professionals practicing in the State. In order to practice or use a professional title in New York, a professional must be registered as well as licensed. The registration period is specific for each profession and expires for all members of that profession on the date indicated on each practitioner's registration certificate. It is the responsibility of any professional practicing in New

York to maintain current registration. It is also the professional's responsibility to notify the Department directly of any change of address or of name. Notifying the local post office does not change the records on file in the State Education Department.

Professional Discipline

A license permitting an individual to practice in New York State is in effect for the lifetime of the holder unless use of the license is affected by a finding of professional misconduct. Professional misconduct is defined in Section 6509, Education Law, and in Part 29, Rules of the Board of Regents. It is the responsibility of each professional to be aware of the laws and regulations covering his or her profession. Copies of statute and rules are included in this handbook.

The Office of Professional Discipline of the State Education Department enforces standards of professional conduct in all professions, except that initial enforcement action in medicine is vested in the Office of Professional Medical Conduct, Department of Health. Any person who suspects or has knowledge of professional misconduct should report the information to the appropriate office. (Physicians are required by law to make such reports; failing to do so is, in itself, misconduct.) When either office discovers a possible violation of standards, it starts professional misconduct proceedings. Final disciplinary actions in all professions are taken by the Board of Regents. If the Regents decide that a licensed person has acted unprofessionally, they may suspend or revoke the authorization to practice. The Regents may also impose fines and other appropriate penalties.

Professional misconduct includes practicing fraudulently, negligently, or incompetently; practicing while being impaired by alcohol, drugs, or mental disability; being convicted of a crime; and similar serious matters. Some examples of misconduct are: physically abusing a patient, not keeping proper records, ordering excessive tests, behaving in a way that indicates moral unfitness, providing treatment or services which were not authorized, neglecting a patient in need of immediate care, guaranteeing a cure, and others.

Fee disagreements do not represent misconduct, but double billing or other fraudulent billing or charging for unnecessary services, tests or procedures does constitute misconduct.

Telephone calls or letters reporting professional misconduct will be treated confidentially.

To report misconduct for professions other than medicine, write the New York State Education Department, Office of Professional Discipline, 622 Third Avenue, New York, N.Y. 10017. Telephone: 212-557-2100.

Or call the **Professional Misconduct Hotline:** 1-800-442-8106. The call is toll-free from anywhere in New York State. (On holidays or during nonbusiness hours, a recorded message may be left and the call will be returned.) Or call or write the nearest regional office:

Albany: Office of Professional Discipline, State Education Department, Cultural Education Center, Albany, NY 12230. Telephone: 518-474-3861.

Buffalo: Office of Professional Discipline, 2 Pleasant Avenue West, Lancaster, NY 14086. Telephone: 716-681-2860 or 2861.

Long Island: Office of Professional Discipline, State Education Department, 350 Daniels Street, Lindenhurst NY 11757. Telephone: 516-226-7320 or 7321.

Rochester: Office of Professional Discipline, P.O. Box 50, 150 Telephone Road, West Henrietta, NY 14586. Telephone: 716-334-5184 or 5469.

Syracuse/Utica: Office of Professional Discipline, Tecumseh School-Room 11, Nottingham & Waring Road, Jamesville, NY 13078. Telephone: 315-445-2111 or 2112.

White Plains: Office of Professional Discipline, 55 Church Street, White Plains, NY 10601. Telephone: 914-761-8067.

Professional Assistance Program

The State Education Department has initiated a program for licensed professionals who abuse alcohol or other drugs. Professionals who have not harmed clients or patients may voluntarily surrender their license while seeking treatment rather than face charges of professional misconduct. The Committee for Professional Assistance, composed primarily of professionals who treat alcoholics and drug addicts, advise the Department on who should be accepted into the program, the acceptability of the treatment program and appropriate monitoring of program participants to assure public safety. All applications are confidential. Any person interested in additional information may contact the Coordinator of Professional Practice, New York State Education Department, Professional Assistance Program, Cultural Education Center, Albany, New York 12230, (518) 473-6809.

LICENSURE REQUIREMENTS FOR SOCIAL WORK

For many years the profession of social work has given recognition to the idea that assistance in furthering the social and emotional adjustment of people requires highly skilled professional service. Greater demand for these professional services and a proliferation of "counseling practitioners" who lack substantial professional training have made it necessary for the State to assume regulatory power and to assist the public through identification of standards for the safe professional practice of social work. The qualified professional is licensed to use the title "Certified Social Worker" (CSW) thus providing public identification of qualification.

A. REQUIREMENTS FOR LICENSURE

(See Section 7704 of Article 154 of the Law, Pg. 22)

I. Education.

1. Completion of a graduate program or its equivalent approved by the New York State Education Department, the Council on Social Work Education (CSWE), or an approved accrediting agency acceptable to the Department.

   a. Graduates of an approved New York State program: The school sends a list to the Division of Professional Licensing Services giving the names, social security numbers and dates of birth of those who completed the program.

   b. Graduates of CSWE programs in other states: These Graduates must send to the Division of Professional Licensing Services an official transcript of study. This transcript should be addressed to: Social Work Unit, Division of Professional Licensing Services, Cultural Education Center, Albany, N.Y. 12230.

2. (See Section 74.1 of the Regulations of the Commissioner of Education P. 28)

   Completion of a program of not less than 60 semester hours, approved by the accrediting agency in the country in which the school is located and qualifying for the professional practice of Social Work in that country,

   and

   Two years of supervised experience in social work in the United States satisfactory to the State Board for Social Work.

II. Examination taken outside of New York State.

Persons who have been licensed, certified, or registered in another state under laws with standards equivalent to those in New York State at the time of such licensure may be granted licensure without further examination. Information about the basis of licensure must be provided on the **Form 3** by the licensing agency in the state where the applicant was first licensed. Where an examination was part of the qualification, the New York State Board must determine if it was the equivalent of the New York State examination. Applicants licensed or certified by examination must request that a copy of the examination be sent to the New York State Board for review. To date the following examinations prepared by either a state agency or testing service have been reviewed and are acceptable:

California RSW (Written) – Pre 1968; 1970

ETS – 1978; 2/79; 1981

PES – 1970 ASI – 3/83; 9/83; 3/84

B. LIMITED PERMIT

If your employer or potential employer requires that you be a Certified Social Worker, you may, along with the completed application forms, apply for a limited permit by filing **Form 5** (additional fee necessary). If approved, you may practice as a Certified Social Worker until the results of the next examination held after issuance of the permit are released. The Board will issue such permits only when the need is verified by an employer and the permits are to be used only in conjunction with the agency named. (See Regulations of the Commissioner of Education Section 74.2 P. 28)

C. COMPLETING APPLICATION FORMS

(See Blue Ink Section)

1. **Form 1 – Application for License and First Registration.** *All* candidates must complete this form and submit it with the appropriate licensure fees (see below) directly to the Department.

2. **Form 1D – Candidate Data Record.** All candidates are requested to complete this form and submit it to the Department.

3. **Form 2N – Verification of Education.** Graduates of Non-N.Y.S. registered or Non-U.S. Accredited programs must complete this form. Forward to your Academic Institution. The form should be returned directly to the Department by the registrar or the appropriate school official with a transcript or a notation of courses. If you have attended more than one academic institution, copy the form and send one copy to each institution.

4. **Form 3 – Certification of Social Work in Another Jurisdiction.** Candidates seeking licensure by endorsement must complete Section I and forward the form to the appropriate licensing agency for completion of Section II and direct submission to the Department. Certification must include the date of original licensure in the state in which the candidate was licensed by examination and bear the official seal and the signature of the appropriate official.

5. **Form 4 – Supporting Affidavit of Professional Experience in the United States.** Foreign educated candidates seeking licensure must submit this affidavit. It must be verified by the candidate's facility supervisor or bona fide facility representative. Candidates complete Section I and forward the form to the appropriate facility supervisor/representative for completion of Section II and direct submission to the Department.

6. **Form 5 – Application for Limited Permit** (See Section 7705, Article 154 Education law). Candidates seeking a social work limited permit must complete Section I and forward the form to the prospective employer for completion of Section II and direct submission to the Department.

D. SPECIAL ASSISTANCE

Candidates needing special assistance to take a department conducted examination due to a handicapping condition or needing special accommodations due to religious observances should attach letters to their application describing the circumstances involved and provide appropriate documentation.

E. EXAM SCORING AND REPORTING

All examination papers are returned to Albany and machine-scored. Raw scores and other technical data regarding question performance on the examination are reviewed by the Board and a pass point is set. Scores are then converted to grades on a scale of 100 with 75 the passing grade.

After the exam, there is a necessary time lapse in the report of grades to the examinees because of the development of permanent records.

F. REEXAMINATION

Persons failing the examination may apply for readmission to the next examination upon payment of the examination fee. Applications for reexamination should be filed at least 60 days before the exam.

G. FEE INFORMATION

1. **Statutory Fee Schedule:**

	Social Work Total
Licensure by exam (including first registration)	$ 285
Licensure without exam (including first registration)	235
Readmission to exam	75
Limited Permit	60
Certification of New York State examination results and licensure status to another state	20
Insurance Qualification Requirement	75

Do not send cash. Please make check or money order payable to the New York State Education Department. Mail form 1 and fee to: Fee Section, Division of Professional Licensing Services, State Education Department, Cultural Education Center, Albany, New York 12230. **PLEASE NOTE: Payment submitted from outside the United States should be made by check or draft on a United States Bank and in United States currency. Payments submitted in any other form will not be accepted and will be returned.**

2. **Candidate Licensure Fee:**

Refund–"Applicants for professional licenses not receiving such licenses may be granted partial refunds not exceeding fifty percent of the fee paid to the Department unless they have failed the examination for such licenses, in which case such applicants may not receive a refund." Also, should you decide to seek New York State licensure at a later date, you will be considered as a new candidate. As a new candidate, you will be required to pay the *full* licensure and registration fees in effect at that time and to meet the licensure requirements in place at that time. Requests for candidate refunds of fees paid to the Department must be made in writing.

3. **The Initial Registration Period Following Licensure:**

1. Duration of Registration Periods.

The established triennial registration periods for Social Work are as follows:

March 1, 1987 – February 28, 1990
March 1, 1990 – February 28, 1993
March 1, 1993 – February 29, 1996

2. Prorated Refunds of Initial Registration Fee.

For newly licensed professionals or licensees reactivating their registration with the Department one or more years after the beginning of the established triennial registration period, a partial refund of either one-third of the fee submitted (second year registration) or two-thirds of the fee submitted (third year registration) will be issued by the Department. Such refunds normally take 8-12 weeks for processing and mailing.

H. REGISTRATION

Any use of the title Certified Social Worker or initials CSW requires current registration.

The initial registration of a licensed practitioner is automatic at the time of licensure. However, thereafter the practitioner is responsible for renewing the registration prior to the expiration date printed on it. The first registration fee submitted with the application for licensure is to provide registration during the triennium in which the person is licensed.

Renewal applications are automatically sent to all persons registered in the terminating triennium at the address on record (see section 59.8 of Commissioner's Regulations P. 26). If registration has been interrupted or a form has not been received by one month prior to the expiration of the triennium, the Certified Social Worker is responsible for requesting the application form. Law requires a penalty for late registration.

ALL CHANGES OF ADDRESS MUST BE REPORTED TO THE DIVISION OF PROFESSIONAL LICENSING SERVICES WITHIN 30 DAYS.

I. PROFESSIONAL CONDUCT

All licensed practitioners are required to adhere to sound ethical practices. (See Section 6509 P. 15) Rules of unprofessional practice (see p. 39) have been adopted for the professions. Violations should be reported by anyone to the Office of Professional Discipline, New York State Education Department, 622 Third Avenue, New York, N.Y. 10017 (800-442-9106 or in New York City 557-2100). Complaints will be investigated and hearings conducted pursuant to Section 6510 of the Education Law (P. 16).

J. THE EXAMINATION

1. WHEN AND WHERE WILL THE EXAM BE GIVEN?

Examination Date	*Deadline Date*
September 9, 1987	July 11, 1987
September 7, 1988	July 11, 1988

Testing centers for the above examinations are

New York City, Albany, Syracuse, and Buffalo. The exact location will be contained on an admission card which will be sent to all candidates two to three weeks prior to the exam date.

"In cases where there is substantial evidence that an applicant has met all requirements for admission to an examination, that applicant may be admitted *pending* receipt of documentation of meeting those requirements."

In other circumstances "conversion" of the "pending" admission will be dependent upon alleviating the problem requiring the issuance of the "pending" admission. Late filing of an application is *not* grounds for issuance of a "pending" admission.

2. WHAT AREAS WILL THE EXAMINATION COVER?

The examination is comprehensive in structure, but a majority of the questions will relate to professional practice situations. The following is a brief list of the topics covered in the examination blueprint and the of questions assigned to each section.

I. Theories of Human Development (15%)

II. Social Science Concepts(15%)

III. Historical and Legislative Influence on Social Work Practice (10%)

- A. Key Leaders
- B. Historical Developments
- C. Legislation

IV. Professional Practice (25%)

- A. Social Work Roles
- B. Social Work Skills
- C. Professional Relationships
- D. Planning and Organizational Functions on Behalf of Clients

V. Social Work Process (25%)

- A. Assessment
- B. Planning
- C. Implementation
- D. Evaluation

VI. Professional Values (05%)

VII. Professional Self (05%)

3. IN WHAT FORM WILL THE QUESTIONS BE PRESENTED?

All questions (150) will be in the multiple-choice form. The examination will not be divided into subject sections. Three and one-half hours will be allowed for the examination.

4. CAN I HAVE AN OLD EXAM TO STUDY?

No, because development of good questions is very difficult, and therefore, questions are reused on subsequent examinations. We are building a "bank" of questions from which to draw the examinations, and the "bank" must be kept secure. However, questions in the bank are periodically reviewed, updated, and improved.

5. WHAT SHOULD BE STUDIED?

The Board does not recommend any type of cram preparation since the majority of the questions are related to practice situations and are not repetitious of knowledge.

6. WHY IS THE EXAMINATION GIVEN ONLY ONCE A YEAR?

The examination process is a costly procedure, and since there would be so few candidates at any other time of the year (most of the candidates are June graduates), it would be economically impractical to repeat the process.

SAMPLE QUESTIONS

1. In comparing casework and group process, similarity exists between which one of the following:

   a. support and consensual validation
   b. use of transference and use of group norms
   c. bio-psycho-social diagnosis and group assessment
   *d. consideration of presenting problem-real problem and stated purpose-unavowed purpose

2. A social worker is utilizing environmental manipulation as a technique when he

   a. represents his agency at a health and welfare council meeting
   b. uses a psychosocial framework

c. attempts to involve the client in social action projects

*d. helps the client to move into a new apartment

3. Health and welfare organizations in which social workers are employed, but in which disciplines are the sources of professional authority are known as

a. referral agencies
b. collaborating agencies
c. paraprofessional agencies
*d. host agencies

4. Which is a group with which an individual identified himself such that he tends to use the group as a standard for self-evaluation and as a source of his personal values and goals?

a. social group
*b. reference group
c. ethnic group
d. subculture group

5. When preparing to tell his clients that he is terminating employment with the social agency, a social worker first needs to

*a. be aware of his own feelings about separating from the agency

b. be aware that many of his clients will feel abandoned and will need encouragement to express these feelings

c. anticipate the variety of reactions he is likely to encounter as he prepares his clients for his departure

d. determine which clients should be prepared for transfer and which should terminate treatment

6. The use of which method brings about personality changes more readily for children than adults?

a. behavioral modification

*b. manipulating the environment

c. chemotherapy

d. psychotherapy

**Indicates correct answer*

INSURANCE QUALIFICATION REQUIREMENTS

(See Pages 9-10)

New York State Insurance Law currently provides two specific privileges to Certified Social Workers, each of which has the effect of qualifying those licensees as reimbursable providers of psychotherapy services. A qualified licensee may apply for and receive either or both privileges, which are represented by the letters "P" and "R," and are then displayed as prefixes to the original license number.

The "R", or six-year qualification, requires that Certified Social Workers approved by the State Board must be recognized as providers of psychotherapy in all group health contracts issued in New York State when the benefits include psychotherapy coverage.

The "P", or three-year qualification, requires insurance companies to make available services provided by Certified Social Workers approved by the State Board when the group health contract contains psychotherapy benefits and the insured group specifically requests "P"-qualified social worker coverage.

A list of "P" and "R" qualified social workers is maintained by the Board and may be obtained for a fee by request. However, to ascertain the qualification for an individual social worker, call the Customer Service Unit at 518-474-6097 (or from within New York State, a toll-free number, 1-800-342-3729).

Although there are some differences in eligibility requirements between the 3 year and 6 year qualification, there are commonalities, as contained in Part 74.3 of the Regulations of the Commissioner of Education (see page 28):

1. **Definition of Psychotherapy** – "... the use of verbal methods in interpersonal relationships with the intent of assisting a person or persons to modify attitudes and behaviors which are intellectually, socially or emotionally maladaptive..."

2. **Qualifications of Supervisors** – For both "P" and "R" supervisors:

   a. Physicians must be licensed by the state in which supervision occurred *and* must be Board-certified in psychiatry or its equivalent, i.e., an approved residency in psychiatry.

   b. Psychologists must also be licensed by the state in which supervision occurred *and* must be graduates of an APA-approved doctoral program in Clinical or Counseling Psychology *or* an APA-approved respecialization program in either of those areas *or* show evidence of having completed a Regents-chartered psychotherapy institute program of at least 3 years or its equivalent as determined by the State Board for Psychology. Diplomate status in Clinical or Counseling Psychology from the American Board of Professional Psychology is recognized as an acceptable credential for qualification as a supervisor.

   c. Social Workers must have at least 3 years of post-MSW supervised experience in providing psychotherapy before qualifying as supervisors themselves.

3. **Case Summaries** – The "P" requires all applicants to submit in duplicate two case summaries to be reviewed by the Board. Guidelines are included with the application materials. "R" candidates must submit two case summaries only when any portion of submitted experience was under peer supervision or non-facility group supervision.

The following requirements differ for the three-year and six-year qualifications:

1. **Length of Employment** – The "P" requires three-years of full-time experience or its equivalent of part-time experience to be submitted to and approved by the State Board. Full-time is considered to be a 35-hour per week employment in a facility or at least 20-hours per week of direct patient contact. A session of at least 45 minutes is considered to be one hour of direct patient contact. A 45-minute session of group or family therapy counts as only one hour. A full year is considered to be 48 weeks allowing for one month vacation time. The minimum time requirement is half-time, that is, 17½ hours per week of facility employment or 10 hours per week of direct patient contact. Facility experience may *not* be combined with non-facility experience to fulfill the three-year time requirement.

   The "R" requires six-years of full-time experience or its equivalent of part-time experience to be submitted to and approved by the State Board. Full-time is considered to be 20 hours per week of direct patient contact. As in the three-year qualification, a 45-minute session is considered to be one hour of direct patient contact, and a full year is considered to be 48 weeks allowing for one month vacation time. During the first 36 months submitted, the minimum patient contact is 10 hours per week. Thereafter, patient contact must be no less than 400 hours during any 12-month period submitted. During the first 36 months, time submitted at a rate less than 20 hours per week, but at least 10 hours per week, will be calculated as part-time, i.e.,

10/20, 15/20, etc. Thereafter, every month and patient contact hour will be counted, so long as the 400 hours per year minimum is reached, until a total of 2400 hours of direct patient contact and 36 more months have been accepted. Facility and non-facility experience *may* be combined to fulfill the six-year time requirement.

2. **Length and Frequency of Supervision**

   The "P" requires individual, in-person supervision which occurs at least twice a month for an average of at least one hour per week.

   The "R" requires individual, in-person supervision for the first three years, also, of not less than one hour each week. Thereafter, the "R" allows for individual supervision or consultation at least two hours per month, or group supervision or consultation, peer supervision or case seminars from a Regents-chartered psychotherapy program for at least four hours per month.

Application forms can be obtained by writing to the Social Work Unit, State Education Department, Division of Professional Licensing Services, Cultural Education Center, Albany, N.Y. 12230, or calling (518) 474-3326. All other inquiries regarding insurance qualifications should be directed to the State Board for Social Work, State Education Department, Room 3041, Cultural Education Center, Albany, N.Y. 12230, or call (518) 474-4974.

TITLE VIII OF THE EDUCATION LAW
ARTICLE 130
GENERAL PROVISIONS

Sec.

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SUBARTICLE 1.
INTRODUCTORY SUMMARY

§ 6500. Introduction

This title provides for the regulation of the admission to and the practice of certain professions. This first article applies to all the professions included in this title, except that prehearing procedures and hearing procedures in connection with the regulation of professional conduct of the profession of medicine shall be conducted pursuant to the provisions of Title II-A of article two of the public health law. Each of the remaining articles applies to a particular profession.

§ 6501. Admission to a profession (licensing)

Admission to practice of a profession in this state is accomplished by a license being issued to a qualified applicant by the education department. To qualify for a license an applicant shall meet the requirements prescribed in the article for the particular profession.

§ 6502. Duration and registration of a license

1. A license shall be valid during the life of the holder unless revoked, annulled or suspended by the board of regents. A licensee must register with the department to practice in this state.

2. The department shall establish the beginning dates of the registration periods for each profession and mail an application for registration to every licensee currently registered at least four months prior to the beginning of the registration period for the respective profession.

3. An application for registration and the required registration fee shall be submitted together with or as a part of the application for a license. A person initially licensed or a licensee resuming practice after a lapse of registration during the last two years of a triennial registration period shall receive a prorated refund of one-third of the total registration fee for each full year of the triennial period that has elapsed prior to the date of registration. The department shall renew the registration of each licensee upon receipt of a proper application, on a form prescribed by the department, and the registration fee. Any licensee who fails to register by the beginning of the appropriate registration period shall be required to pay an additional fee for late filing of ten dollars for each month

that registration has been delayed while such licensee continued to practice his profession. The licensee resuming practice after a lapse of registration shall be permitted to practice without actual possession of the registration certificate for not more than four months after mailing to the department the required application fee.

4. Any licensee who is not engaging in the practice of his profession in this state and does not desire to register shall so advise the department. Such licensee may subsequently register and resume practice without paying an additional fee for failure to register at the beginning of the registration period.

5. Licensees shall notify the department of any change of name or mailing address within thirty days of such change.

6. The fee for replacement of a lost registration certificate or license or for registration of an additional office shall be ten dollars.

§ 6503. Practice of a profession

Admission to the practice of a profession (1) entitles the licensee to practice the profession as defined in the article for the particular profession, (2) entitles the individual licensee to use the professional title as provided in the article for the particular profession, and (3) subjects the licensee to the procedures and penalties for professional misconduct as prescribed in this article (sections sixty-five hundred nine, sixty-five hundred ten, and sixty-five hundred eleven).

§ 6504. Regulation of the professions

Admission to the practice of the professions (licensing) and regulation of such practice shall be supervised by the board of regents (section sixty-five hundred six) and administered by the education department (section sixty-five hundred seven), assisted by a state board for each profession (section sixty-five hundred eight).

§ 6505. Construction

No definition of the practice of a profession shall be construed to restrain or restrict the performance of similar acts authorized in the definition of other professions.

§ 6505 – a. Professional referrals

There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any association or society of professionals authorized to practice under this title, or any employee, agent, or member thereof, for referring any person to a member of the profession represented by such association or society provided that such referral was made without charge as a service to the public, and without malice, and in the reasonable belief that such referral was warranted, based upon the facts disclosed.

SUBARTICLE 2. STATE MANAGEMENT

§ 6506. Supervision by the board of regents

The board of regents shall supervise the admission to and the practice of the professions. In supervising, the board of regents may:

1. Promulgate rules;

2. Establish by rule, high school, preprofessional, professional and other educational qualifications required for licensing in the professions regulated by this title;

3. Charter schools offering educational programs for the professions regulated by this title, and no such school shall operate in this state without such a charter, except Columbia University, any school chartered by special act of the legislature prior to September one, nineteen hundred seventy-one, and schools specifically authorized to conduct such programs by the regents;

4. Appoint such committees as it deems necessary and compensate members of such committees who are not members of the board of regents or the department up to one hundred dollars per day for each day devoted to committee functions, together with their necessary expenses;

5. Waive education, experience and examination requirements for a professional license prescribed in the article relating to the profession, provided the board of regents shall be satisfied that the requirements of such article have been substantially met;

6. Indorse a license issued by a licensing board of another state or country upon the applicant fulfilling the following requirements:

a. Application: file an application with the department;

b. Education: meet educational requirements in accordance with the commissioner's regulations;

c. Experience: have experience satisfactory to the board and in accordance with the commissioner's regulations;

d. Examination: pass an examination satisfactory to the board and in accordance with the commissioner's regulations;

e. Age: be at least twenty-one years of age;

f. Citizenship or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States;

g. Character: be of good moral character as determined by the department; and

7. Direct the department to remedy any error, omission, delay or other circumstance in the issuance or registration of a license;

8. Designate a professional conduct officer, who shall be the chief administrative officer of the office of the professions, or his designee, in connection with professional licensing and misconduct proceedings and criminal matters, such officer to be empowered to issue subpoenas and administer oaths in connection with such proceedings;

9. Establish by rule, standards of conduct with respect to advertising, fee splitting, practicing under a name other than that of the individual licensee (when not specifically authorized), proper use of academic or professional degrees or titles tending to imply professional status, and such other ethical practices as such board shall deem necessary; and

10. Delegate to department officers the disposition of any licensing matters pursuant to rules.

§ 6507. Administration by the education department

1. The commissioner and the department shall administer the admission to and the practice of the professions.

2. In administering, the commissioner may:

a. Promulgate regulations;

b. Conduct investigations;

c. Issue subpoenas;

d. Grant immunity for prosecution in accordance with section 50.20 of the criminal procedure law to anyone subpoenaed in any investigation or hearing conducted pursuant to this title; and

e. Excuse, for cause acceptable to the commissioner, the failure to register with the Department. Such excuse shall validate and authorize such practitioner's right to practice pending registration.

3. The department assisted by the board for each profession, shall:

a. Establish standards for preprofessional and professional education, experience and licensing examinations as required to implement the article for each profession;

b. Review qualifications in connection with licensing requirements; and

c. Provide for licensing examinations and reexaminations.

4. The department shall:

a. Register or approve educational programs designed for the purpose of providing professional preparation which meet standards established by the department.

b. Issue licenses, registrations, and limited permits to qualified applicants;

c. (i) Issue a certificate of authority to a qualified professional service corporation being organized under section fifteen hundred three of the business corporation law on payment of a fee of seventy-five dollars, (ii) file a certified copy of each certificate of incorporation and amendment thereto within thirty days after the filing of such certificate or amendment on payment of a fee of fifteen dollars, (iii) file the annual statement required by section fifteen hundred fourteen of the business corporation law on payment of a fee of thirty dollars, (iv) as of July first, nineteen hundred eighty-eight, file a triennial statement required on payment of a fee of ninety dollars. The first triennial period shall commence on July first, nineteen hundred eighty-eight.

d. Revoke limited permits on the recommendation of the committee on professional conduct for the profession concerned;

e. Maintain public records of licenses issued and retain in its files identifying data concerning each person to whom a license has been issued;

f. Collect the fees prescribed by this title or otherwise provided by law;

g. Prepare an annual report for the legislature, the governor and other executive offices, the state boards for the professions, professional societies, consumer agencies and other interested persons. Such report shall include but not be limited to a description and analysis of the administrative procedures and operations of the department based upon a statistical summary relating to (i) new licensure, (ii) discipline, (iii) complaint, investigation, and hearing backlog, (iv) budget, and (v) the state boards for the professions. Information provided shall be enumerated by profession; and

h. Establish an administrative unit which shall be responsible for the investigation, prosecution and determination of alleged violations of professional conduct.

5. The commissioner and the department shall perform any other functions necessary to implement this title.

§ 6508. Assistance by state boards for the professions

1. A board for each profession shall be appointed by the board of regents on the recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing, practice, and conduct. The composition of each board shall be as prescribed in the article relating to each profession. Within each board a committee on licensing may be appointed by the board chairman.

Except as provided in paragraph (a) of this subdivision, the membership of each professional licensing board shall be increased by one member, and each such board shall have at least one public representative who shall be selected by the board of regents from the general public.

a. The membership of the professional licensing boards created under sections sixty-five hundred twenty-three, sixty-eight hundred four, sixty-nine hundred three, and seventy-four hundred three of this chapter shall be increased by two members, and each such board shall have at least two public representatives, who shall be selected by the board of regents from the general public.

b. For the purposes of this title, a "public representative" shall be a person who is a consumer of services provided by those licensed or otherwise supervised or regulated by the boards created hereunder, and shall not be, nor within five years immediately preceding appointment have been:

(i) a licensee or person otherwise subject to the supervision or regulation of the board to which appointed; or

(ii) a person maintaining a contractual relationship with a licensee of such board, which would constitute more than two percentum of the practice or business of any such licensee, or an officer, director, or representative of such person or group of persons.

2. Each board, or its committee on licensing, shall select or prepare examinations, may conduct oral and practical examinations and reexaminations, shall fix passing grades, and assist the department in other licensing matters as prescribed by the board of regents.

3. Each board shall conduct disciplinary proceedings as prescribed in this article and shall assist in other professional conduct matters as prescribed by the board of regents.

4. Members of each board shall be appointed by the board of regents for five-year terms except that the terms of those first appointed shall be arranged so that as nearly as possible an equal number shall terminate annually. A vacancy occurring during a term shall be filled by an appointment by the board of regents for the unexpired term. Each state professional association or society may nominate one or more candidates for each appointment to be made to the board for its profession, but the board of regents shall not be required to appoint candidates so nominated. Former members of a board may be re-appointed by the board of regents, on the recommendation of the commissioner, to serve as members of the board solely for the purposes of disciplinary proceedings, proceedings relating to the moral character of an applicant for licen-

sure, and proceedings relating to applications for the restoration of a professional license. Former board members so appointed may not comprise a majority of any panel.

5. Each member of a board shall receive a certificate of appointment, shall before beginning his term of office file a constitutional oath of office with the secretary of state, shall receive up to one hundred dollars as prescribed by the board of regents for each day devoted to board work, and shall be reimbursed for his necessary expenses. Any member may be removed from a board by the board of regents for misconduct, incapacity or neglect of duty.

6. Each board shall elect from its members a chairman and vice-chairman annually, shall meet upon call of the chairmen or the department, and may adopt bylaws consistent with this title and approved by the board of regents. A quorum for the transaction of business by the board shall be a majority of members but not less than five members.

7. An executive secretary to each board shall be appointed by the board of regents on recommendation of the commissioner. Such executive secretary shall not be a member of the board, shall hold office at the pleasure of, and shall have the powers, duties and annual salary prescribed by the board of regents.

SUBARTICLE 3.
PROFESSIONAL MISCONDUCT

§ 6509. Definitions of professional misconduct

Each of the following is a professional misconduct, and any licensee found guilty of such misconduct under the procedures prescribed in section sixty-five hundred ten shall be subject to the penalties prescribed in section sixty-five hundred eleven:

1. Obtaining the license fraudulently,

2. Practicing the profession fraudulently, beyond its authorized scope, with gross incompetence, with gross negligence on a particular occasion or negligence or incompetence on more than one occasion,

3. Practicing the profession while the ability to practice is impaired by alcohol, drugs, physical disability, or mental disability,

4. Being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects,

5. a. Being convicted of committing an act constituting a crime under:

(i) New York State law or,

(ii) Federal law or,

(iii) The law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York State law;

b. Having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state;

c. Having been found to be in violation of the applicable provisions of title seven of article thirty-three of the public health law by the commissioner of health,

d. Having his license to practice medicine revoked, suspended or having other disciplinary action taken, or having his application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state.

6. Refusing to provide professional service to a person because of such person's race, creed, color, or national origin,

7. Permitting, aiding or abetting an unlicensed person to perform activities requiring a license,

8. Practicing the profession while the license is suspended, or wilfully failing to register or notify the department of any change of name or mailing address, or if a professional service corporation wilfully failing

to comply with sections fifteen hundred three and fifteen hundred fourteen of the business corporation law,

9. Committing unprofessional conduct, as defined by the board of regents in its rules or by the commissioner in regulations approved by the board of regents,

10. A willful violation by a licensed physician of subdivision eleven of section two hundred thirty of the public health law, or

11. A violation of section twenty-eight hundred three-d or twenty-eight hundred five-k of the public health law.

§ 6509 – a. Additional definition of professional misconduct; limited application

Notwithstanding any inconsistent provision of this article or of any other provision of law to the contrary, the license or registration of a person subject to the provisions of articles one hundred thirty-one, one hundred thirty-one-a, one hundred thirty-two, one hundred thirty-three, one hundred thirty-seven, one hundred thirty-nine, one hundred forty-one, one hundred forty-three, one hundred forty-four, one hundred fifty-six and one hundred fifty-nine of this chapter may be revoked, suspended or annulled or such person may be subject to any other penalty provided in section sixty-five hundred eleven of this article in accordance with the provisions and procedure of this article for the following:

That any person subject to the above enumerated articles, has directly or indirectly requested, received or participated in the division, transference, assignment, rebate, splitting or refunding of a fee for, or has directly requested, received or profited by means of a credit of other valuable consideration as a commission, discount or gratuity in connection with the furnishing of professional care, or service, including x-ray examination and treatment, or for or in connection with the sale, rental, supplying or furnishing of clinical laboratory services or supplies, inhalation therapy service or equipment, ambulance service, hospital or medical supplies, physiotherapy or other therapeutic service or equipment, artifical limbs, teeth or eyes, orthopedic or surgical appliances or supplies, optical appliances, supplies or equipment, devices for aid of hearing, drugs, medication or medical supplies or any other goods, services or supplies prescribed for medical diagnosis, care or treatment, under this chapter, except payment, not to exceed thirty-three and one-third per centum of any fee received for x-ray examination, diagnosis or treatment, to any hospital furnishing facilities for such examination, diagnosis or treatment. Nothing contained in this section shall prohibit such persons from practicing as partners, in groups or as a professional corporation nor from pooling fees and moneys received, either by the partnerships, professional corporations or groups by the individual members, thereof, for professional services furnished by any individual professional member, or employee of such partnership, corporation or group, nor shall the professionals constituting the partnerships, corporation or groups be probitited from sharing, dividing or apportioning the fees and moneys received by them or by the partnership, corporation or group in accordance with a partnership or other agreement; provided that no such practice as partners, corporations or in groups or pooling of fees or moneys received or shared, division or apportionment of fees shall be permitted with respect to care and treatment under the workmen's compensation law except as expressly authorized by the workmen's compensation law. Nothing contained in this chapter shall prohibit a medical or dental expense indemnity corporation pursuant to its contract with the subscriber from prorationing a medical or dental expense indemnity allowance among two or more professionals in proportion to the services rendered by each such professional at the request of the subscriber, provided that prior to payment thereof such professionals shall submit both to the medical or dental expense indemnity corporation and to the subscriber statements itemizing the services rendered by each such professional and the charges therefor.

§ 6510. Proceedings in cases of professional misconduct

In cases of professional misconduct the proceedings shall be as follows:

1. Preliminary procedures.

   a. Complaint. A complaint of a licensee's professional misconduct may be made by any person to the education department.

   b. Investigation. The department shall investigate each complaint which alleges conduct constituting professional misconduct. The results of the investigation shall be referred to the professional conduct officer designated by the board of regents pursuant to section sixty-five hundred six of this article. If such officer decides that there is not substantial evidence of professional misconduct or that

further proceedings are not warranted, no further action shall be taken. If such officer, after consultation with a professional member of the applicable state board for the profession, determines that there is substantial evidence of professional misconduct, and that further proceedings are warranted, such proceedings shall be conducted pursuant to this section. If the complaint involves a question of professional expertise, then such officer may seek, and if so shall obtain, the concurrence of at least two members of a panel of three members of the applicable board.

c. Charges. In all disciplinary proceedings other than those terminated by an administrative warning pursuant to paragraph a of subdivision two of this section, the department shall prepare the charges. The charges shall state the alleged professional misconduct and shall state concisely the material facts but not the evidence by which the charges are to be proved.

d. Service of charges and of notice of hearing. A copy of the charges and notice of any hearing pursuant to subdivision two or three of this section shall be served on the licensee personally by the department at least fifteen days before the hearing. If personal service cannot be made after due diligence and such fact is certified under oath, a copy of the charges and the notice of hearing shall be served by certified mail, return receipt requested to the licensee's last known address by the department at least twenty days before the hearing.

2. Expedited procedures.

a. Violations. Violations involving professional misconduct of a minor or technical nature may be resolved by expedited procedures as provided in paragraph b or c of this subdivision. For purposes of this subdivision, violations of a minor or technical nature shall include, but shall not be limited to, isolated instances of violations concerning professional advertising or record keeping, and other isolated violations which do not directly affect or impair the public health, welfare or safety. The board of regents shall make recommendations to the legislature on or before June first, nineteen hundred eighty-one, for the further definition of violations of a minor or technical nature. The initial instance of any violation of a minor or technical nature may be resolved by the issuance of an administrative warning pursuant to paragraph b of this subdivision. Subsequent instances of similar violations of a minor or technical nature within a period of three years may be resolved by the procedure set forth in paragraph c of this subdivision.

b. Administrative warning. If a professional conduct officer, after consultation with a professional member of the state board, determines that there is substantial (sic) evidence of professional misconduct but that it is an initial violation of a minor or technical nature which would not justify the imposition of a more severe disciplinary penalty, the matter may be terminated by the issuance of an administrative warning. Such warnings shall be confidential and shall not constitute an adjudication of guilt or be used as evidence that the licensee is guilty of the alleged misconduct. However, in the event of a further allegation of similar misconduct by the same licensee, the matter may be reopened and further proceedings instituted as provided in this section.

c. Determination of penalty on uncontested minor violations. If a professional conduct officer, after consultation with a professional member of the state board, determines that there is substantial evidence of a violation of a minor or technical nature, and of a nature justifying a penalty as specified in this paragraph, the department may prepare and serve charges either by personal service or by certified mail, return receipt requested. Such charges shall include a statement that unless an answer is received within twenty days denying the charges, the matter shall be referred to a violations committee consisting of five members of the state board for the profession, at least one of whom shall be a public representative for determination. The violations panel shall be appointed by the executive secretary of the state board. The licensee shall be given at least fifteen days notice of the time and place of the meeting of the violations committee and shall have the right to appear in person and by an attorney and to make a statement to the committee in mitigation or explanation of the misconduct. The department may appear and make a statement in support of its position. The violations

committee may issue a censure and reprimand, and in addition, or in the alternative, may impose a fine not to exceed five hundred dollars for each specification of minor, or technical misconduct. If the fine is not paid within three months the matter may be reopened and shall be subject to the hearing and regents decision procedures of this section. The determination of the panel shall be final and shall not be subject to the regents decision procedures of this section. If an answer is filed denying the charges, the matter shall be processed as provided in subdivision three of this section.

d. Convictions of crimes or administrative violations. In cases of professional misconduct based solely upon a violation of subdivision five of section sixty-five hundred nine of this article, the professional conduct officer may prepare and serve the charges and may refer the matter directly to a regents review committee for its review and report of its findings, determination as to guilt, and recommendation as to the measure of discipline to be imposed. In such cases the notice of hearing shall state that the licensee may file a written answer or brief; that the licensee may appear personally before the regents review committee and may be represented by counsel, and the notice may contain such other information as may be considered appropriate by the department. In lieu of referring the matter to the board of regents, the regents review committee may refer any such matter for further proceedings pursuant to paragraph b or c of this subdivision or subdivision three of this section.

3. Adversary proceedings. Contested disciplinary proceedings and other disciplinary proceedings not resolved pursuant to subdivision two of this section shall be tried before a hearing panel of the appropriate state board as provided in this subdivision.

a. Notice of hearing. The department shall set the time and place of the hearing and shall prepare the notice of hearing. The notice of hearing shall state (1) the time and place of the hearing, (2) that the licensee may file a written answer to the charges prior to the hearing, (3) that the licensee may appear personally at the hearing and may be represented by counsel, (4) that the licensee shall have the right to produce witnesses and evidence in his behalf, to cross-examine witnesses and examine evidence produced against him, and to issue subpoenas in accordance with the provisions of the civil practice law and rules, (5) that a stenographic record of the hearing will be made, and (6) such other information as may be considered appropriate by the department.

b. Hearing panel. The hearing shall be conducted by a panel of five or more members of the applicable state board for the profession, at least one of whom shall be a public representative. The executive secretary for the applicable state board shall appoint the panel and shall designate its chairperson. In addition to said panel members, the department shall designate an administrative officer, admitted to practice as an attorney in the state of New York, who shall have the authority to rule on all motions, procedures and other legal objections and shall draft a report for the hearing panel which shall be subject to the approval of and signature by the panel chairperson on behalf of the panel. The administrative officer shall not be entitled to a vote.

c. Conduct of hearing. The evidence in support of the charges shall be presented by an attorney for the department. The licensee shall have the rights required to be stated in the notice of hearing. The panel shall not be bound by the rules of evidence, but its determination of guilt shall be based on substantial legal evidence. A hearing which has been initiated shall not be discontinued because of the death or incapacity to serve of one member of the hearing panel.

d. Results of hearing. The hearing panel shall render a written report which shall include (1) findings of fact, (2) a determination of guilty or not guilty on each charge, and (3) in the event of a determination of guilty, a recommendation of the penalty to be imposed. For the panel to make a determination of guilty, a minimum of four of the voting members of the panel must vote for such a determination. A copy of the report of the hearing panel shall be transmitted to the licensee.

4. Regents decision procedures.

a. Regents review committee. The transcript and report of the hearing panel shall be reviewed at a meeting by a regents review com-

mittee appointed by the board of regents. The regents review committee shall consist of three members, at least one of whom shall be a regent.

b. Regents review committee meetings. The review shall be based on the transcript and the report of the hearing panel. the licensee may appear at the meeting, and the regents review committee may require the licensee to appear. The licensee may be represented by counsel. The department shall notify the licensee at least seven days before the meeting (1) of the time and place of the meeting, (2) of his right to appear, (3) of his right to be represented by counsel, (4) whether or not he is required to appear, and (5) of such other information as may be considered appropriate. After the meeting, the regents review committee shall transmit a written report of its review to the board of regents. In cases referred directly to the regents review committee pursuant to paragraph d of subdivision two of this section, the review shall be based upon the charges, the documentary evidence submitted by the department, and any answer, affidavits or brief the licensee may wish to submit.

c. Regents decision and order. The board of regents (1) shall consider the transcript, the report of the hearing panel, and the report of the regents review committee, (2) shall decide whether the licensee is guilty or not guilty on each charge, (3) shall decide what penalties, if any, to impose as prescribed in section sixty-five hundred eleven of this article, and (4) shall issue an order to carry out its decisions. Such decisions shall require the affirmative vote of a majority of the members of the board of regents. If the board of regents disagrees with the hearing panel's determination of not guilty, it shall remand the matter to the original panel for reconsideration or to a new panel for a new hearing. The panel's determination of not guilty on reconsideration or a new hearing shall be final. The order shall be served upon the licensee personally or by certified mail to the licensee's last known address and such service shall be effective as of the date of the personal service or five days after mailing by certified mail. The licensee shall deliver to the department the license and registration certificate which has been revoked, annulled, suspended, or surrendered within five days after the effective date of the service of the order. If the license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, the licensee shall submit an affidavit to that effect, and shall deliver such license or certificate to the department when located.

5. Court review procedures. The decisions of the board of regents may be reviewed pursuant to the proceedings under article seventy-eight of the civil practice law and rules. Such proceedings shall be returnable before the appellate division of the third judicial department, and such decisions shall not be stayed or enjoined expect upon application to such appellate division after notice to the department and to the attorney general and upon a showing that the petitioner has a substantial likelihood of success.

6. The provisions of subdivisions one through four of this section shall not be applicable to proceedings in cases of professional misconduct involving the medical profession.

7. Notwithstanding any other provisions of the law, persons who assist the department as consultants or expert witnesses in the investigation or prosecution of alleged professional misconduct, licensure matters, restoration proceedings, or criminal prosecutions for unauthorized practice, shall not be liable for damages in any civil action or proceeding as a result of such assistance, except upon proof of actual malice. The attorney general shall defend such persons in any such action or proceeding, in accordance with section seventeen of the public officers law.

8. The files of the department relating to the investigation of possible instances of professional misconduct, or the unlawful practice of any profession licensed by the board of regents, or the unlawful use of a professional title or the moral fitness of an applicant for a professional license or permit, shall be confidential and not subject to disclosure at the request of any person, except upon the order of a court in a pending action or proceeding. The provisions of this subdivision shall not apply to documents introduced in evidence at a hearing held pursuant to this chapter and shall not prevent the department from sharing information concerning investigations with other duly authorized public agencies responsible for professional regulation or criminal prosecution.

§ 6510a. Proceedings in cases of professional misconduct involving the medical profession

1. Prehearing procedures, hearing procedures and summary action procedures. Prehearing procedures, hearing procedures and summary action procedures in cases of professional misconduct involving the medical profession shall be conducted pursuant to the provisions of Title II-A of article two of the public health law.

2. Regents decision and order. Within sixty days of the transfer of a case of professional misconduct involving the medical profession by the commissioner of health pursuant to section two hundred thirty of the public health law, the board of regents (a) shall consider the transcript, exhibits and other evidence, if any, the findings, conclusions and recommendation of the committee on professional misconduct and the recommendation of the commissioner of health, (b) shall decide whether the licensee is guilty or not guilty on each charge, (c) shall decide what penalties, if any, to impose as prescribed in section sixty-five hundred eleven of this article, and (d) shall issue an order to carry out its decisions. Such decisions shall require the affirmative vote of a majority of the members of the board.

3. Time limitations.

a. No failure to comply with a provision of this section requiring that a specified action shall be taken within a specified period of time shall affect the validity of the action taken.

b. The time limitations specified in this section for the completion of specified actions may be extended, upon application of a licensee or his attorney, for good cause shown, upon application made prior to the expiration of such time limitations.

4. Court review procedures. The decisions of the board of regents may be reviewed pursuant to the proceedings under article seventy-eight of the civil practice law and rules. Such proceedings shall be returnable before the appellate division of the third judicial department, and such decisions shall not be stayed or enjoined except upon application to such appellate division after notice to the attorney general.

§ 6511. Penalties for professional misconduct

The penalties which may be imposed by the board of regents on a present or former licensee found guilty of professional misconduct (under the definitions and proceedings prescribed in sections sixty-five hundred nine, sixty-five hundred ten and sixty-five hundred ten-a of this article) are: (1) censure and reprimand, (2) suspension of license, (a) wholly, for a fixed period of time; (b) partially, until the licensee successfully completes a course of retraining in the area to which the suspension applies; (c) wholly, until the licensee successfully completes a course of therapy or treatment prescribed by the regents; (3) revocation of license, (4) annulment of license or registration, (5) limitation on registration or issuance of any further license, (6) a fine not to exceed ten thousand dollars, upon each specification of charges of which the respondent is determined to be guilty, (7) a requirement that a licensee pursue a course of education or training, and (8) a requirement that a licensee perform up to one hundred hours of public service, in a manner and at a time and place as directed by the board. The board of regents may stay such penalties in whole or in part, may place the licensee on probation and may restore a license which has been revoked. Any fine imposed pursuant to this section or pursuant to subdivision two of section sixty-five hundred ten of this article may be sued for and recovered in the name of the people of the state of New York in an action brought by the attorney general. In such action the findings and determination of the board of regents or of the violations committee shall be admissible evidence and shall be conclusive proof of the violation and the penalty assessed.

SUBARTICLE 4. UNAUTHORIZED ACTS

§ 6512. Unauthorized practice a crime

1. Anyone not authorized to practice under this title who practices or offers to practice or holds himself out as being able to practice in any profession in which a license is a prerequisite to the practice of the acts, or who practices any profession as an exempt person during the time when his professional license is suspended, revoked or annulled, or who aids or abets an unlicensed person to practice a profession, or who fraudulently sells, files, furnishes, obtains, or who attempts fraudulently to sell, file, furnish or obtain any diploma, license, record or permit purporting to authorize the practice of a profession, shall be guilty of a class E felony.

2. Anyone who knowingly aids or abets three or more unlicensed persons to practice a profession or employs or holds such unlicensed persons out as being able to

practice in any profession in which a license is a prerequisite to the practice of the acts, or who knowingly aids or abets three or more persons to practice any profession as exempt persons during the time when the professional licenses of such persons are suspended, revoked or annulled, shall be guilty of a class E felony.

§ 6513. Unauthorized use of a professional title a crime

1. Anyone not authorized to use a professional title regulated by this title, and who uses such professional title, shall be guilty of a class A misdemeanor.

2. Anyone who knowingly aids or abets three or more persons not authorized to use a professional title regulated by this title, to use such professional title, or knowingly employs three or more persons not authorized to use a professional title regulated by this title, who use such professional title in the course of such employment, shall be guilty of a class E felony.

§ 6514. Criminal proceedings

1. All alleged violations of sections sixty-five hundred twelve or sixty-five hundred thirteen of this article shall be reported to the department which shall cause an investigation to be instituted. If the investigation substantiates that violations exist, such violations shall be reported to the attorney general with a request for prosecution.

2. The attorney general shall prosecute such alleged offenses in the name of the state, provided, however, in the event of alleged violations of article one hundred fifty-five of this title occurring in cities with a population of one million or more, a district attorney may prosecute such alleged offenses in the name of the state provided, however, that any district attorney may prosecute such offenses where they are incidental to a criminal prosecution instituted by him under other statutes.

3. All criminal courts having jurisdiction over misdemeanors are hereby empowered to hear, try and determine alleged violations under this title, which constitute misdemeanors, without indictment and to impose applicable punishment of fines or imprisonments or both. It shall be necessary to prove in any prosecution under this title only a single prohibited act or a single holding out without proving a general course of conduct.

4. A proceeding before a committee on professional conduct shall not be deemed to be a criminal proceeding within the meaning of this section.

§ 6515. Restraint of unlawful acts

Where a violation of this title is alleged to have occurred, the attorney general or, in the event of alleged violations of article one hundred fifty-five of this title occurring in cities having a population of one million or more, the corporation counsel may apply to the supreme court within the judicial district in which such violation is alleged to have occurred for an order enjoining or restraining commission or continuance of the unlawful acts complained of. The court shall have jurisdiction of the proceedings and shall have power to grant such temporary relief or restraining order as it deems just and proper. In any such proceeding it shall be necessary to allege or prove that an adequate remedy at law does not exist or that irreparable damage would result if such order were not granted. The remedy provided in this section shall be in addition to any other remedy provided by law or to the proceedings commended against a licensee under this title.

THE EDUCATION LAW
ARTICLE 154
SOCIAL WORK

Section 7700. Introduction
7701. Definition of Practice as a "certified social worker".
7702. Use of the title "certified social worker".
7703. State board for social work.
7704. Requirements for a professional license.
7705. Limited permits.

§ 7700. Introduction. This article applies to the use of the title "certified social worker". The general provisions for all professions contained in article one hundred thirty of this title apply to this article.

§ 7701. **Definition of practice as a "certified social worker".** The practice of social work as a "certified social worker" is defined as engaging, under such title, in social casework, social groupwork, community organization, administration of a social work program, social work education, social work research, or any combination of these in accordance with social work principles and methods. The practice of social work is for the purpose of helping individuals, families, groups and communities to prevent or to resolve problems caused by social or emotional stress.

§ 7702. **Use of the title "certified social worker".** Only a person licensed under this article shall be authorized to use the title "certified social worker".

§ 7703. **State board for social work.** A state board for social work shall be appointed by the board of regents on recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing and professional conduct in accordance with section sixty-five hundred eight of this title. The board shall be composed of not less than seven certified social workers licensed in this state. An executive secretary to the board shall be appointed by the board of regents on recommendation of the commissioner and shall be a certified social worker licensed in this state.

§ 7704. **Requirements for professional license.** To qualify for a license as a "certified social worker" an applicant shall fulfill the following requirements:

1. Application: file an application with the department;

2. Education: have received an education, including a master's or equivalent degree in social work, in accordance with the commissioner's regulations;

3. Experience: meet no requirement as to experience;

4. Examination: pass an examination satisfactory to the board and in accordance with the commissioner's regulations;

5. Age: be at least twenty-one years of age;

6. Citizenship: meet no requirement as to United States citizenship;

7. Character: be of good moral character as determined by the department; and

8. Fees: pay a fee of one hundred fifty dollars to the department for admission to a department conducted examination and for an initial license, a fee of seventy-five dollars for each reexamination, a fee of one hundred dollars for an initial license for persons not requiring admission to a department conducted examination, a fee of one hundred thirty-five dollars for each triennial registration period, and for additional authorization for the purpose of paragraphs four and five of subsection (1) of section three thousand two hundred twenty-one and subsection (i) of section four thousand three hundred three of the insurance law, seventy-five dollars.

§ 7705. **Limited permits.** 1. On recommendation of the board, the department may issue a limited permit to practice social work as a certified social worker to an applicant whose qualifications have been approved for admission to the examination. This limited permit shall be valid for a period of not more than eighteen months or until the results of the next licensing examination for which the person is eligible are officially available, whichever comes first.

2. Fees. The fee for each limited permit shall be sixty dollars.

FORM 1

SOCIAL WORK

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF PROFESSIONAL LICENSING SERVICES

APPLICATION FOR LICENSE AND FIRST REGISTRATION

ALL CANDIDATES MUST COMPLETE BOTH SIDES OF THIS APPLICATION

DEPARTMENT USE ONLY

8 0

☐ ☐☐☐ ☐ 2 8 5 L X

☐ ☐☐☐ ☐ 2 3 5 E R

☐ ☐☐☐ ☐ ☐☐☐ ☐☐

N.Y.S. License Number

1. ☐☐☐ – ☐☐ – ☐☐☐☐ Social Security Number

2. ☐☐☐ First 3 letters of Last Name

3. BIRTH DATE ☐☐ ☐☐ ☐☐ mo. day yr.

4. PRINT FULL NAME EXACTLY AS YOU WISH IT TO APPEAR ON YOUR LICENSE, IF DETERMINED ELIGIBLE. (IMPORTANT: A request that contains only initials and the surname cannot be honored.)

Last ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

First ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Middle ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

5. ADDRESS (check only one) ☐ permanent address of record ☐ temporary mailing address

Care of ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Misc. (Bldg. & Apt. etc.) ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Street ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

City ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

State ☐☐ Zip Code ☐☐☐☐☐

6. TELEPHONE

At home ☐☐☐ – ☐☐☐☐☐☐☐ area code number

At work ☐☐☐ – ☐☐☐☐☐☐☐ area code number

7. Name as it appears in diploma or degree: _____

8. Have you previously applied for New York State licensure as a Social Worker? ☐ Yes ☐ No

9. Have you previously failed all or part of the New York State Examination? ☐ Yes ☐ No

10. Have you ever been convicted of a crime (felony or misdemeanor) in any state or country? ☐ Yes ☐ No

11. Have you ever been charged with a crime (felony or misdemeanor) in any state or country, the disposition of which was other than by acquittal or dismissal? ☐ Yes ☐ No

12. Have you ever surrendered your license or been found guilty of professional misconduct, unprofessional conduct, incompetence or negligence in any state or country? ☐ Yes ☐ No

13. Are charges pending against you for professional misconduct, unprofessional conduct, incompetence or negligence in any state or country? ☐ Yes ☐ No

• If the answer to questions 10-13 is "Yes," submit a letter giving complete explanation, include copies of any court records, and if you possess one, a copy of the "Certificate of Relief from Disabilities" or your "Certification of Good Conduct."

14. FOR APPLICANTS REQUESTING ADMISSION TO EXAMINATION
Examination center preferred: (center may not be available) ☐ New York City Area ☐ Buffalo ☐ Syracuse ☐ Capital District

15. APPLICANTS REQUESTING A LICENSE WITHOUT NEW YORK STATE EXAMINATION must request in addition, Form 3, Certification of Social Work in another jurisdiction, to be completed in accordance with directions thereon.

Name of State in which licensed: _____

License No.: _____ Date: _____

Licensed by: ☐ Examination ☐ Waiver ☐ Endorsement

April 1987

• COMPLETE OTHER SIDE •

16. In the spaces below, give an accurate record of your educational preparation.

Name of Schools Attended and Locations	NUMBER OF YEARS ATTENDED	Class Completed	ATTENDANCE		Diploma or Degree Obtained (If school is located outside the United States, attach a copy)
			Entrance Date	Leaving Date	
Elementary or Primary School					
High School or Secondary School					
Postsecondary School(s) including professional education program					
Special Professional Qualifications					

17. Professional experience in the United States following graduation (see Part 74.1 B2 Pg. if program of education completed outside the United States).

Type of Experience	Dates		Name of Employer	Address
	To	From		

AFFIDAVIT

I hereby certify that I have read the statutory provisions, Rules of the Board of Regents and Regulations of the Commissioner of Education distributed to me by the State Education Department.

Under penalties of perjury, I declare and affirm that the statements made in the foregoing application, including accompanying statements and transcripts are true, complete and correct. I understand that any false or misleading information in or in connection with my application may be cause for denial or loss of licensure.

....

Signature of applicant Date

• DO NOT STAPLE •

IN THIS SPACE
SECURELY ATTACH
PHOTOGRAPH TAKEN
WITHIN PAST YEAR

Write signature on light portion of photograph, not across features.

Date of Photograph .....

SEE LICENSURE REQUIREMENTS FOR FILING DEADLINE/FEES/ADDITIONAL INSTRUCTIONS

FORM 1D

SOCIAL WORK

ALL CANDIDATES ARE REQUESTED TO COMPLETE THIS FORM.

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Office of the Professions
Division of Professional Licensing Services

CANDIDATE DATA FORM: GENDER AND ETHNICITY

MINORITY ACCESS TO THE LICENSED PROFESSIONS

The New York State Board of Regents and the State Education Department are committed to equal opportunity and racial justice. To achieve these goals, legislation has been enacted which calls for specific efforts "..... in eradicating the present effects of past discrimination." The Regents and the State Education Department endorse a coordinated and comprehensive effort involving the sustained efforts of the educational system, professional boards, professional associations and societies, government, industry, parent groups, and individual professionals. In pursuit of those efforts, the Legislature has authorized and required the Commissioner of Education "to collect and analyze data concerning minority representation in the licensed professions."

The ethnic and gender data being collected will not be made part of your application or licensure file and will not be released to anyone. The data will in no way affect the processing of your application nor your eligibility for licensure or reregistration. The data will be used only for the purposes of defining the nature and extent of underrepresentation as well as changes in such underrepresentation.

If you are interested in learning more about or participating in state and local minority access projects you may contact the Executive Secretary for the State Board of your profession or the Department's Bureau of Professional Career Opportunity Programs at (518) 473-6810.

INSTRUCTIONS FOR COMPLETING AND SUBMITTING THIS FORM:

1. **Complete Items 1-5 by printing all information clearly in the boxes provided.**
2. **Complete Items 6 & 7 by placing an (X) in the appropriate box..**
3. **Return this form to: Division of Professional Licensing Services, Unit I, Cultural Education Center, Albany, New York 12230.**

1. ☐☐☐ – ☐☐ – ☐☐☐☐ **Social Security Number**

2. ☐☐☐ **First 3 letters of Last Name**

3. **BIRTH DATE** ☐☐ ☐☐ ☐☐ **mo. day yr.**

4. PRINT FULL NAME EXACTLY AS YOU WISH IT TO APPEAR ON YOUR LICENSE, IF DETERMINED ELIGIBLE.

Last ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

First ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Middle ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

5. ADDRESS

Misc. (Bldg. & Apt., etc.) ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Street ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

City ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

State ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐ Zip Code ☐☐☐☐☐

6. GENDER
- ☐ Male
- ☐ Female

7. ETHNICITY
- ☐ American Indian or Alaskan Native
- ☐ Asian or Pacific Islander
- ☐ Black {not Hispanic}
- ☐ Hispanic
- ☐ Caucasian/White {not Hispanic}

April 1987

FORM 2N
SOCIAL WORK

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Division of Professional Licensing Services
Cultural Education Center
Albany, New York 12230

Graduates of Non-N.Y.S. registered or Non-U.S. Accredited programs must complete this form.

CERTIFICATION OF EDUCATION BY SCHOOL OFFICIAL

CANDIDATE INSTRUCTIONS

1. **Complete Section I. Enter your name as it appears on your Application (Form 1).**
2. **Send this form to the professional school which you attended. Be sure to include any fee required.**

SECTION I: CANDIDATE INFORMATION

1. PRINT FULL NAME — Last
   First
   Middle
2. ADDRESS — Misc. (Bldg. & Apt., etc.)
   Street
   City
   State — Zip Code

(check only one) ☐ permanent address of record ☐ temporary mailing address

3. BIRTH DATE — mo. day yr.

4. ___ – ___ – ___ Social Security Number

5. Print name under which diploma was awarded:

_____ (Name)

6. Secondary and/or preprofessional school attended: (preceding professional school) _____ (Name)

7. Professional school attended: _____ (Name)

   Address _____ Date diploma was awarded _____

8. Name of Diploma _____

• CERTIFICATION BY PROFESSIONAL SCHOOL OFFICIAL •
IS TO BE MADE ON REVERSE SIDE

April 1987

SECTION II: CERTIFICATION OF PROFESSIONAL EDUCATION

INSTRUCTION TO SCHOOL: Please complete this section of the licensure application form and sign the certifying statement, attach a transcript and send directly to the New York State Education Department, Division of Professional Licensing Services. This form will not be accepted if returned by the applicant.

Name of applicant: _____
(See Number 5 Reverse Side)

Professional School:

(a) Name _____

(b) Address _____
(Street) (City) (State) (Country)

---

(1) Date of Candidate's entrance, date of completion of studies or withdrawal from the school:

Entrance Date: _____ Completion/withdrawal Date: _____

(2) Degree/Diploma conferred: _____ Date of conferral: _____

(3) Attach transcript, marksheets, or other record showing courses studied by year and passed (with grades if available) of all courses taken at the school.

(4) List any courses convalidated or accepted for transfer credit by your school. Give the basis on which these subjects were convalidated and the name of the institution from which credit was transferred.

_____

_____

_____

_____

_____

(5) Identify any studies for your school taken outside of the country including required clinical experience. Give the inclusive dates, name and location of school or agency, and area of study for each clinical rotation.

_____

_____

_____

_____

_____

I certify that the information shown above is true and correct, according to the records of this office.

Signature _____

Name and Title _____
(type or print)

SEAL

_____

School _____

Date _____

• **RETURN TO:** **Division of Professional Licensing Services, Social Work Unit, Cultural Education Center, Albany, New York 12230.**

FORM 3
SOCIAL WORK
FOR ENDORSEMENT CANDIDATES ONLY

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Division of Professional Licensing Services

CERTIFICATION OF SOCIAL WORK IN ANOTHER JURISDICTION

CANDIDATE INSTRUCTIONS

1. **Complete Section I. Enter your name as it appears on your application (Form 1).**
2. **Send this form to the appropriate state, province, or country, as instructed in the "Licensure Requirements." Be sure to include any fee required.**

SECTION I: CANDIDATE INFORMATION

1. ☐☐☐ – ☐☐ – ☐☐☐☐ **Social Security Number**

2. ☐☐☐ **First 3 letters of Last Name**

3. **BIRTH DATE** ☐☐ ☐☐ ☐☐ **mo. day yr.**

4. PRINT FULL NAME EXACTLY AS YOU WISH IT TO APPEAR ON YOUR LICENSE, IF DETERMINED ELIGIBLE. (IMPORTANT: A request that contains only initials and the surname cannot be honored.)

Last ☐☐☐☐

SECTION II: CERTIFICATION OF SOCIAL WORK LICENSURE (Please Print All Information)

INSTRUCTIONS TO LICENSING AUTHORITY: Please complete this section. This form must be returned directly to the Division of Professional Licensing Services. It will not be accepted if returned by the candidate.

1. Name of candidate: _____
   (First) (Middle) (Last)

2. Original Social Work License Number: _____ Date of Licensure _____
   Mo. Day Yr.

3. Exact Title under which applicant was licensed: _____

4. Basis of Licensure: ☐ Written Examination ☐ Other (Specify) _____

5. If licensed by examination indicate language of examination: ☐ English ☐ Other (Specify) _____

6. If licensed or certified by written examination, please submit a copy of that examination to the State Board for Social Work. The examination will be maintained in a secure status and returned after review. Such review is necessary if the candidate is to be considered for licensure without taking the New York State Examination.

7. Length of Examination (number of questions): _____

8. Raw Score received by candidate: _____

9. Grade received by candidate: _____

10. Passpoint and method of derivation: _____

    _____

11. Name of company preparing examination: _____

12. If Social Worker was licensed or certified without examination, please explain: _____

    _____

13. Is this candidate in good standing with this jurisdication? ☐ Yes ☐ No

    If No, explain: _____

    _____

I hereby certify that to the best of my knowledge and belief the foregoing is a true statement of the record of the social worker named on this form. I further certify that this Board has never taken any disciplinary action against this person and that in so far as the Board has knowledge there have been no charges preferred nor has any information been presented to the Board relating to any question of unprofessional or immoral conduct except as noted above. I recommend the social worker for certification by the State of New York.

Signature: _____

Print Name: _____

(SEAL)

Agency: _____

Address: _____

Date: _____

• **RETURN TO:** Division of Professional Licensing Services, Social Work Unit, Cultural Education Center, Albany, New York 12230.

FORM 4
SOCIAL WORK

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Division of Professional Licensing Services

SUPPORTING AFFIDAVIT OF PROFESSIONAL EXPERIENCE IN THE UNITED STATES

FOREIGN TRAINED CANDIDATES MUST COMPLETE THIS FORM

CANDIDATE INSTRUCTIONS

1. **Complete Section I. Enter your name as it appears on your application (Form 1).**
2. **Send this form to the appropriate person to complete Section II.**

SECTION I: CANDIDATE INFORMATION

1. ☐☐☐ – ☐☐ – ☐☐☐☐ **Social Security Number**

2. ☐☐☐ **First 3 letters of Last Name**

3. **BIRTH DATE** ☐☐ ☐☐ ☐☐ **mo. day yr.**

4. PRINT FULL NAME EXACTLY AS YOU WISH IT TO APPEAR ON YOUR LICENSE, IF DETERMINED ELIGIBLE. (IMPORTANT: A request that contains only initials and the surname cannot be honored.)

Last ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

First ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Middle ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

5. ADDRESS

Misc. (Bldg. & Apt., etc.) ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Street ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

City ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

State ☐☐☐☐☐☐☐☐☐☐☐☐☐☐ Zip Code ☐☐☐☐☐

6. Member NASW? ☐ Yes ☐ No Membership dating from _____.

• AFFIANT'S CERTIFICATION IS TO BE MADE ON REVERSE SIDE •

April 1987

SECTION II: AFFIANT'S CERTIFICATION

AFFIANT'S INSTRUCTIONS: Please complete this section commenting on the candidate's professional competence to the best of your ability, and sign the statement. This form must be returned directly to the Division of Professional Licensing Services. It will not be accepted if returned by the candidate.

1. Name of candidate: _____
(See reverse side) (First) (Middle) (Last)

TYPE OF EXPERIENCE	DATES (Month & Year)		CHECK APPROPRIATE RATING				
	From	To	Outstanding	Superior	Good	Fair	Unsatisfactory
Social Case Work							
Social Group Work							
Community Organization							
Administration of Social Work							
Social Work Education							
Social Work Research							

2. Affiant's Professional Relationship to Applicant: _____

3. I have been acquainted personally with the candidate from _____ to _____.

4. Do you know him/her to be of good moral character, and recommend him/her to the State Board for Social Work and the Department as entirely worthy to be licensed to practice social work in the State of New York. ☐ Yes ☐ No

   If No, please explain on separate sheet.

5. Other Comments: _____

_____

_____

_____

Under penalties of perjury, I declare and affirm that the statements above are true, complete and correct.

_____ _____
Signature of Affiant Date

_____ _____
Print Affiant's Name Profession

Address: _____

_____

• **RETURN TO:** Division of Professional Licensing Services, Social Work Unit, Cultural Education Center, Albany, New York 12230.

FORM 4

SOCIAL WORK

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Division of Professional Licensing Services

SUPPORTING AFFIDAVIT OF PROFESSIONAL EXPERIENCE IN THE UNITED STATES

FOREIGN TRAINED CANDIDATES MUST COMPLETE THIS FORM

CANDIDATE INSTRUCTIONS

1. **Complete Section I. Enter your name as it appears on your application (Form 1).**
2. **Send this form to the appropriate person to complete Section II.**

SECTION I: CANDIDATE INFORMATION

1. ☐☐☐ – ☐☐ – ☐☐☐☐ **Social Security Number**

2. ☐☐☐ **First 3 letters of Last Name**

3. **BIRTH DATE** ☐☐ ☐☐ ☐☐ **mo. day yr.**

4. PRINT FULL NAME EXACTLY AS YOU WISH IT TO APPEAR ON YOUR LICENSE, IF DETERMINED ELIGIBLE. (IMPORTANT: A request that contains only initials and the surname cannot be honored.)

Last ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

First ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Middle ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

5. ADDRESS Misc. (Bldg. & Apt., etc.) ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Street ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

City ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

State ☐☐☐☐☐☐☐☐☐☐☐☐☐☐ Zip Code ☐☐☐☐☐

6. Member NASW? ☐ Yes ☐ No Membership dating from _____.

• AFFIANT'S CERTIFICATION IS TO BE MADE ON REVERSE SIDE •

April 1987

SECTION II: AFFIANT'S CERTIFICATION

AFFIANT'S INSTRUCTIONS: Please complete this section commenting on the candidate's professional competence to the best of your ability, and sign the statement. This form must be returned directly to the Division of Professional Licensing Services. It will not be accepted if returned by the candidate.

1. Name of candidate: _____
(See reverse side) (First) (Middle) (Last)

TYPE OF EXPERIENCE	DATES (Month & Year)		CHECK APPROPRIATE RATING				
	From	To	Outstanding	Superior	Good	Fair	Unsatisfactory
Social Case Work							
Social Group Work							
Community Organization							
Administration of Social Work							
Social Work Education							
Social Work Research							

2. Affiant's Professional Relationship to Applicant: _____

3. I have been acquainted personally with the candidate from _____ to _____.

4. Do you know him/her to be of good moral character, and recommend him/her to the State Board for Social Work and the Department as entirely worthy to be licensed to practice social work in the State of New York. ☐ Yes ☐ No

   If No, please explain on separate sheet.

5. Other Comments: _____

_____

_____

_____

Under penalties of perjury, I declare and affirm that the statements above are true, complete and correct.

_____ _____
Signature of Affiant Date

_____ _____
Print Affiant's Name Profession

Address: _____

_____

• **RETURN TO:** Division of Professional Licensing Services, Social Work Unit, Cultural Education Center, Albany, New York 12230.

FORM 4

SOCIAL WORK

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Division of Professional Licensing Services

SUPPORTING AFFIDAVIT OF PROFESSIONAL EXPERIENCE IN THE UNITED STATES

FOREIGN TRAINED CANDIDATES MUST COMPLETE THIS FORM

CANDIDATE INSTRUCTIONS

1. **Complete Section I. Enter your name as it appears on your application (Form 1).**
2. **Send this form to the appropriate person to complete Section II.**

SECTION I: CANDIDATE INFORMATION

1. ☐☐☐ – ☐☐ – ☐☐☐☐ **Social Security Number**

2. ☐☐☐ **First 3 letters of Last Name**

3. **BIRTH DATE** ☐☐ ☐☐ ☐☐ **mo. day yr.**

4. PRINT FULL NAME EXACTLY AS YOU WISH IT TO APPEAR ON YOUR LICENSE, IF DETERMINED ELIGIBLE. (IMPORTANT: A request that contains only initials and the surname cannot be honored.)

Last ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

First ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Middle ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

5. ADDRESS

Misc. (Bldg. & Apt., etc.) ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Street ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

City ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

State ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐ Zip Code ☐☐☐☐☐

6. Member NASW? ☐ Yes ☐ No Membership dating from _____.

• AFFIANT'S CERTIFICATION IS TO BE MADE ON REVERSE SIDE •

April 1987

SECTION II: AFFIANT'S CERTIFICATION

AFFIANT'S INSTRUCTIONS: Please complete this section commenting on the candidate's professional competence to the best of your ability, and sign the statement. This form must be returned directly to the Division of Professional Licensing Services. It will not be accepted if returned by the candidate.

1. Name of candidate: _____
(See reverse side) (First) (Middle) (Last)

TYPE OF EXPERIENCE	DATES (Month & Year)		CHECK APPROPRIATE RATING				
	From	To	Outstanding	Superior	Good	Fair	Unsatisfactory
Social Case Work							
Social Group Work							
Community Organization							
Administration of Social Work							
Social Work Education							
Social Work Research							

2. Affiant's Professional Relationship to Applicant: _____

3. I have been acquainted personally with the candidate from _____ to _____.

4. Do you know him/her to be of good moral character, and recommend him/her to the State Board for Social Work and the Department as entirely worthy to be licensed to practice social work in the State of New York. ☐ Yes ☐ No

   If No, please explain on separate sheet.

5. Other Comments: _____

_____

_____

_____

Under penalties of perjury, I declare and affirm that the statements above are true, complete and correct.

_____ _____
Signature of Affiant Date

_____ _____
Print Affiant's Name Profession

Address: _____

_____

• **RETURN TO:** Division of Professional Licensing Services, Social Work Unit, Cultural Education Center, Albany, New York 12230.

FORM 5

SOCIAL WORK

LIMITED PERMIT CANDIDATES MUST COMPLETE THIS FORM.

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
DIVISION OF PROFESSIONAL LICENSING SERVICES

APPLICATION FOR LIMITED PERMIT

DEPARTMENT USE ONLY

8 0

☐ ☐☐☐ ☐6 0 P R

☐ ☐☐☐ ☐☐☐ ☐☐

Approved
Rejected: _____

Date: _____

Permit No.: _____

Issued: _____

Expires: _____

CANDIDATE INSTRUCTIONS:

1. A candidate may file an application for a limited permit after submitting an application for a license as a Certified Social Worker in New York State. (See Article 154, Section 7705). Complete Section I. Enter your name as it appears on your licensure application (Form 1).
2. See "Licensure Requirements" for instructions and fees.
3. If a permittee changes employment after a permit is issued, this permit is no longer valid.
4. Submit this application and a $60.00 fee (check or money order made payable to the New York State Education Department), to State Education Department, Fee Section, Division of Professional Licensing Services, Cultural Education Center, Albany, New York 12230. Permit applications cannot be approved until all required documents have been received.

SECTION I: Candidate Information

1. ☐☐☐ – ☐☐ – ☐☐☐☐ **Social Security Number**

2. ☐☐☐ **First 3 letters of Last Name**

3. **BIRTH DATE** ☐☐ ☐☐ ☐☐ **mo. day yr.**

4. PRINT FULL NAME
   Last ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
   First ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
   Middle ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

5. ADDRESS (check only one) ☐ permanent address of record ☐ temporary mailing address
   Care of ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
   Misc. (Bldg. & Apt. etc.) ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
   Street ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
   City ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
   State ☐☐ Zip Code ☐☐☐☐☐

6. TELEPHONE
   At home ☐☐☐ – ☐☐☐☐☐☐☐ area code number
   At work ☐☐☐ – ☐☐☐☐☐☐☐ area code number

7. Professional School Attended: _____ Date Completed: _____
   Location: _____

8. Are you licensed in another jurisdiction? ☐ Yes ☐ No
   If "Yes," give license number: _____ Date of Licensure: _____

9. Prospective Employer: _____

Under penalties of perjury, I declare and affirm that the statements made in the application, including accompanying statements and transcripts are true, complete and correct. I understand that any false or misleading information in or in connection with any application may be cause for denial of permit and licensure.

CAUTION: ONCE LIMITED PERMITS ARE ISSUED, THEY MAY NOT BE ADJUSTED. YOU SHOULD BE CERTAIN YOU ARE READY TO BEGIN EMPLOYMENT WHEN YOU APPLY FOR THE LIMITED PERMIT.

....
Signature of applicant Date

• DO NOT STAPLE •

IN THIS SPACE
SECURELY ATTACH
PHOTOGRAPH TAKEN
WITHIN PAST YEAR

Write signature on light portion of photograph, not across features.

Date of Photograph .....

April 1987

• SEE REVERSE SIDE FOR EMPLOYER'S CERTIFICATION FOR LIMITED PERMIT •

INSTRUCTIONS TO EMPLOYER:

1. **Article 154 of the Education Law, Section 7705 "Limited Permits. On recommendation of the board, the department may use a limited permit to practice social work as a certified social worker to an applicant whose qualifications have been approved for admission to the examination. This limited permit shall be valid for a period of not more than eighteen months or until the results of the next licensing examination for which the person is eligible are officially available, whichever comes first."**

2. **Based on the above article, the candidate on the reverse side is seeking a limited permit to practice.**

3. **Employer must complete the information below to certify that the permittee will be employed at their agency.**

SECTION II: Employer's Certification for Limited Permit

1. Permittee's Name: _____

2. Employer (Enter Full Name - No Initials): _____

   Address: _____
   (Street)

   _____
   (City) (State) (Zip Code)

3. Telephone: _____ - _____
   (Area Code) (Number)

4. Title under which permittee will be employed: _____

5. Is a license or a limited permit a condition for employment in your specific employment setting? ☐ Yes ☐ No

---

Under penalties of perjury, I declare that the statements made in the foregoing certification are true, complete and correct. Any false or misleading information in or in connection with this certification may be cause for denial of permit and licensure.

Signature: _____

Print Name: _____

Title: _____

Date: _____

CIVIL PRACTICE LAWS AND RULES
Section 4508
PRIVILEGED COMMUNICATION

Social Worker. A person duly registered as a certified social worker under the provisions of article one hundred fifty-four of the education law shall not be required to disclose a communication made by his client to him, or his advice given thereon, in the course of his professional employment, nor shall any clerk, stenographer or other person working for the same employer as the certified social worker or for the certified social worker be allowed to disclose any such communication or advice given thereon; except

1. that a certified social worker may disclose such information as the client may authorize;

2. that a certified social worker shall not be required to treat as confidential a communication by a client which reveals the contemplation of a crime or harmful act;

3. where the client is a child under the age of sixteen and the information acquired by the certified social worker indicates that the client has been the victim or subject of a crime, the certified social worker may be required to testify fully in relation thereto upon any examination, trial or other proceeding in which the commission of such crime is a subject of inquiry.

4. where the client waives the privilege by bringing charges against the certified social worker pursuant to section sixty-five hundred nine of the education law where such charges involve confidential communication between the client and certified social worker.

THE REGULATIONS OF THE COMMISSIONER OF EDUCATION
PART 59
GENERAL PROVISIONS

Section 59.1 Applicability. (a) As used in this Subchapter, license shall mean a permanent authorization, issued pursuant to Title VIII of the Education Law, to practice a profession or to use a professional title.

(b) The provisions of this Part shall apply to admission to the licensing examination and to the issuance of licenses in each of the professions supervised by the Board of Regents except as may otherwise be provided in this Subchapter with respect to specific professions.

59.2 Education requirements. (a) An applicant for a professional license shall satisfy all education requirements before being admitted to a professional licensing examination, except that the Committee on the Professions may accept professional examination grades earned in another state or jurisdiction of the United States prior to completion of professional education if the applicant was licensed in that jurisdiction on the basis of said examination and both the grades and the examination satisfy requirements in this State. Education requirements for a professional license shall include any preprofessional education or experience required as a prerequisite for admission to a registered program of professional education. The department, in its discretion, may accept in satisfaction of a professional education requirement the completion of an approved or registered program or a program accredited by a professional accreditation organization acceptable to the department. The department, in its discretion, may also accept graduation by a transfer student from such a program provided such student has completed not less than the final year of professional education in such program subsequent to the date of approval, registration or accreditation of the program and approval of the accrediting organization by the department. The department may accept graduation by a transfer student from an unaccredited program of professional education provided such student satisfies the educational requirements of statute and regulation in accordance with this Part and as otherwise provided in this Subchapter with respect to the specific profession and further provided that such student completes not less than the final year in the unaccredited program to which he has transferred.

(b) Education and experience required for the issuance of a license or limited permit shall have been performed in accordance with all requirements of the jurisdiction in which it took place. The department may require contemporaneous evidence of the education and/or experience required for the issuance of a license or limited permit.

59.3 English proficiency requirement. An applicant for licensure whose application is based upon credit granted for the completion of courses of study in a country where English is not the principal language spoken shall demonstrate proficiency in English by passing an examination in English proficiency acceptable to the department or by passing a licensing examination acceptable to the department given in English.

59.4 Citizenship or immigration status requirements. In those professions where citizenship or immigration status is required for licensure, an applicant shall submit evidence satisfactory to the department of compliance with such requirement.

59.5 Professional examinations. (a) The department may develop its own examinations or may select in whole or in part examinations developed or administered by other organizations. Unless specifically authorized by the department, no examination shall be deemed acceptable which has been used in its entirety during the five years previous to the current administration.

(b) Applications for admission to a licensing examination including all required fees shall be completed and filed not less than 60 days prior to the examination. When the department finds that the application is complete and that the requirements for admission to an examination have been met, it will issue to the applicant an admission card which will include the date, time and place of the examination and entitle the applicant to admission thereto. If an application

is denied or withdrawn in a timely manner, an applicant may obtain a refund of the first registration fee and a partial refund not exceeding fifty percent of the licensing fee. A request for such a refund shall be made in writing. Re-application after receipt of a refund may be accepted only upon payment in full of all fees specified.

(c) For the purpose of identification for admission to the examination, the applicant shall present the current admission card with a photograph attached and, at the conclusion of the examination, return the card to the department representative conducting the examination. A candidate shall permit fingerprints to be taken during each part of an examination.

(d) Licensing examinations shall be held at times and places determined by the commissioner and conducted under the following conditions. Any candidate violating such conditions may be dismissed from the examination by the department representative, and the examination paper of such candidate shall be deemed a failure. At the discretion of the department, such candidate may be denied admission to subsequent licensing examinations.

(1) No candidate shall enter any examination more than 45 minutes after the scheduled admission time, nor shall any candidate leave the examination until 60 minutes have elapsed from the scheduled admission time. No candidate shall leave a department administered practical or clinical examination until dismissed by the chief examiner.

(2) Compensatory time may be granted candidates arriving late for an examination, at the discretion of the department.

(3) A candidate shall not obtain unauthorized possession of examination materials.

(4) During the examination, no candidate shall give or receive help, or communicate with any other candidate in any way, except upon the express permission of the department representative.

(5) A candidate shall bring into the examination room only such books and other materials as are indicated on the admission card and permitted by the department.

(6) A candidate shall not remove from the examination room any of the materials provided for an examination, and shall not reproduce or reconstruct any portion of the examination or answer paper, or aid in such reproduction or reconstruction by any means, unless authorized by the department. Such materials include examination booklets, individual examination questions, answer sheets or score sheets, instructions and any reference tables or papers which were provided by the department and which may have been used in the course of the examination.

(e) Papers will be scored and candidates notified of success or failure by the department or its designee. If the candidate has failed, the department will advise when and on what basis the candidate may be reexamined.

(f) The passing score in each component of each part of the licensing examination shall be determined as provided by law and shall be computed without rounding. Unless otherwise provided in the regulations pertaining to a specific profession, a candidate may retain credit for scores earned on examination parts for a period not to exceed five years from the examination date. A candidate who is reexamined in a part already passed shall not retain credit for such part from earlier examinations. In those professions which use national or regional examinations, this subdivision shall apply whether or not the examination is taken in the State of New York.

(g) In those professions where reviews of examination papers are permitted, candidates will be allowed to review only those parts of the examination which they failed with a score of 65 or higher, except in those professions which permit candidates to pass on average. A request for review of an examination paper or score may be made in writing to the executive secretary of the appropriate state board not later than 30 days after examination grades are released by the department. Such request shall include detailed reasons justifying the review requested. A candidate shall not remove from the reviewing site any of the materials provided for the review of an examination given previously, and shall not reproduce or reconstruct any portion of the examination or the answer paper, or aid in such reproduction or reconstruction by any means, unless authorized by the department. No one other than the candidate will be permitted access to examination materials. Where examinations are offered under contract with testing agencies, reviews shall be consistent with these contracts, where applicable. All reviews shall be conducted at sites selected and supervised by the department or an authorized testing agency.

(h) After July 1, 1984, an applicant who has been admitted to a professional licensing examination conducted by the department and subsequently fails to appear for such an examination twice shall forfeit any

remaining fee credits for that examination. The applicant, upon subsequently applying for readmission to that examination, shall pay all required admission fees.

59.6 License by endorsement. An applicant for endorsement of a license issued by another jurisdiction shall establish that the applicant:

(a) meets all requirements of section 6506 (6) of the Education Law;

(b) has had satisfactory professional experience of at least two years following initial licensure, unless a different period is provided in the regulations pertaining to a particular profession;

(c) has not attempted unsuccessfully a licensing examination used by the State of New York either prior to or after making application for licensure by endorsement, unless such applicant has later passed a comparable licensing examination.

59.7 Licenses and initial registrations. When the candidate fulfills all requirements for licensure, the department shall issue a first registration certificate and a license. The first registration shall be for the remainder of the applicable registration period, except that those persons initially licensed during the last four months of a registration period shall be registered for the succeeding registration period without an additional fee.

59.8 Registration for professional practice. (a) Each licensee shall be responsible for registering with the department. Failure to register shall subject the practitioner to the late fee set forth in section 6502 (3) of the Education Law. Any practitioner who willfully refuses to register shall be subject to the penalties set forth in section 6511 of such law.

(b) A licensee not practicing or using a restricted title in New York State or an individual practicing only in a setting which is exempt from licensure in accordance with law may allow registration to lapse without being subject to the late fee set forth in section 6502 of the Education Law, by notifying the department of their cessation of practice or exemption in the state. At such time as the licensee may choose to resume practice or enter practice in a non-exempt setting in New York State, a registration certificate may be issued upon the filing of a proper application and the payment of the required registration fee.

(c) Registration certificates shall be conspicuously displayed by each licensee in each office in which the profession is practiced. In instances where licensees regularly practice at more than one professional office, registration certificates shall be obtained for each office bearing the licensee's name and the exact address of each such office upon making proper application to the department and submitting a fee. Where practice is carried on in other than individual offices, each licensee shall have a current registration certificate available for inspection at all times.

(d) Beginning dates for two year (biennial) registration periods for each profession shall be as follows:

Professions	Beginning Dates
Professional Engineering, Land Surveying, Massage	11/1/80
Acupuncture, Medicine, Pharmacy, Physical Therapy, Physical Therapist Assistant	1/1/81
Registered Professional Nursing	9/1/81
Chiropractic, Veterinary Medicine, Animal Health Technology, Physician's Assistant, Specialist's Assistant	1/1/82
Social Work	3/1/82
Occupational Therapy, Speech Pathology, Audiology	4/1/82
Dentistry, Dental Hygiene	5/1/82
Optometry, Ophthalmic Dispensing, Certified Shorthand Reporting	7/1/82
Licensed Practical Nursing, Architecture, Landscape Architecture, Certified Public Accountant, Public Accountancy	9/1/82
Psychology	5/1/83
Podiatry	9/1/83
Occupational Therapy Assistant	11/1/83

(e) Beginning dates for new three-year (triennial) registration periods shall be as follows:

Professions	Beginning Dates
Professional Engineering, Land Surveying,	11/1/82

Massage	
Acupuncture, Medicine, Pharmacy, Physical Therapy, Physical Therapist Assistant	1/1/83
Registered Professional Nursing	9/1/83
Chiropractic, Veterinary Medicine, Animal Health Technology, Physician's Assistant, Specialist's Assistant	1/1/84
Social Work	3/1/84
Occupational Therapy, Speech Pathology, Audiology	4/1/84
Dentistry, Dental Hygiene	5/1/84
Optometry, Ophthalmic Dispensing, Certified Shorthand Reporting	7/1/84
Licensed Practical Nursing, Architecture, Landscape Architecture, Certified Public Accountant, Public Accountancy	9/1/84
Psychology	5/1/85
Podiatry	9/1/85
Occupational Therapy Assistant	11/1/85

(f) Each professional practitioner shall notify the department of any change of name or address in writing not later than 30 days after such change.

59.9 Special service fees. The department will charge the following fees for special services not otherwise provided by Education Law:

(a) for the issuance of a trainee permit in ophthalmic dispensing, $15;

(b) for certification of completion of pharmacy internship, $10;

(c) for admission to the fundamental theory section of the technical examination in landscape architecture, $50 and for each subsequent reexamination, $50, the remainder of the fee set forth in Section 7324 of the Education Law to be paid prior to admission to the remainder of the examination;

(d) for certification of licensure or examination grades to another jurisdiction, $20;

(e) for certification in acupuncture of a licensed physician or dentist, $50;

(f) for the issuance of an additional registration certificate, $5;

(g) for the issuance of a letter of eligibility to undertake clinical clerkships, $30;

(h) for the issuance of a Medical Sciences Knowledge Profile (MSKP) or satisfactory equivalent examination certificate to undertake clinical clerkships, $20; and

(i) certification of the rescoring or review by the department of an examination conducted by the department, $20.

59.10 Professional service corporations. (a) Applications to the State Education Department for the issuance of a certificate pursuant to Business Corporation Law section 1503 (b) (ii) shall be made by submitting to the department a fully executed certificate of incorporation which complies with the provisions of such section and of section 1512 of such law, and which sets forth or has annexed to it an affidavit of one of the original officers, directors or shareholders of the corporation setting forth the name of each individual who is to be one of the original shareholders, directors or officers of the corporation.

(b) If the name of a proposed professional service corporation contains the name of a deceased person, the certificate of incorporation, when submitted to the department for the issuance of a certificate pursuant to Business Corporation Law section 1503 (b) (ii) shall be accompanied by an affidavit of one of the subscribers to the certificate of incorporation establishing compliance with the provisions of Business Corporation Law section 1512 (a) (2).

(c) A certificate pursuant to Business Corporation Law section 1503 (b) (ii) may be issued when:

(1) the proposed name of the corporation appropriately describes the profession practiced and the services to be provided;

(2) if the proposed name of the corporation includes a reference to a specialized area of professional practice, satisfactory evidence is submitted of compliance with any provision of Part 29 of the Rules of the Board of Regents restricting or regulating the use of specialty titles or announcements of limitations of practice in the particular profession.

PART 74
SOCIAL WORK

Section 74.1 Professional study of social work. To meet the professional education requirement for admission to the examination, the applicant shall present evidence of:

(a) completion of a program of graduate social work education registered by the department or accredited by an accrediting organization acceptable to the department; or

(b) where a program of education is completed outside the United States:

(1) completion of a graduate program in social work acceptable to the department and consisting of not less than 60 semester hours of study or its equivalent as determined by the department; and

(2) two years of supervised experience in social work in the United States satisfactory to the State Board for Social Work.

74.2 Limited permits. Limited permits, provided for in section 7705 of the Education Law, shall not be renewable and shall:

(a) be issued only if an otherwise eligible applicant has not failed the licensing examination ; and

(b) be issued for a specific employment setting and then only if the employer requires licensure as a social worker as a condition for employment.

74.3 Authorization of licensees for insurance reimbursement. (a) Upon satisfaction of the requirements set forth in subdivision (c) of this section, a certified social worker may qualify for insurance reimbursement on the basis of three years of experience pursuant to Insurance Law, section 3221(1)(4) or 4303(i). Upon satisfaction of the requirements set forth in subdivision (d) of this section, a certified social worker may qualify for insurance reimbursement on the basis of six years of experience pursuant to section 1 or 2 of chapter 990 of the Laws of 1984.

(b) Definition. As used in this section, psychotherapy means the use of verbal methods in interpersonal relationships with the intent of assisting a person or persons to modify attitudes and behavior which are intellectually, socially or emotionally maladaptive.

(c) Three-year credential. In order to fulfill the requirements of section 3221(1)(4) or 4303(i) of the Insurance Law, the three years of experience in psychotherapy required of certified social workers shall be in accordance with the following criteria:

(1) Length of experience. The experience shall meet the standards of either sub-paragraph (i) or (ii) of this paragraph.

(i) Experience satisfactory to the State Board for Social Work in facilities shall be:

(a) (1) three years of full-time experience providing psychotherapy services, which shall consist of not less than 48 weeks of employment per year, exclusive of vacation, with not less than 35 hours of employment per week, or the part-time equivalent of such experience, which shall consist of not less than 17.5 hours of employment per week; or

(2) three years of full-time experience providing psychotherapy services which shall consist of not less than 48 weeks of employment per year, exclusive of vacation, with not less than 20 patient contact sessions per week of at least 45 minutes each providing psychotherapy services or the part-time equivalent of such experience, which shall consist of the same total number of patient contact hours provided in whole or in part on a part-time basis over more than three years, except that part-time experience comprising of less than 10 patient contact sessions of at least 45 minutes per session in any calendar week shall not be counted; and

(b) experience that follows receipt of the master's degree in social work, except for those persons who were licensed as certified social workers on the basis of criteria existing between September 1, 1965 and July 1, 1968, and whose experience qualifying for authorization under this section shall have been obtained subsequent to the experience used as qualifying for licensure; and

(c) in a facility formally approved in a manner satisfactory to the department by the State Edu-

cation Department, Office of Mental Health, Office of Mental Retardation and Developmental Disabilities, Division of Substance Abuse Services, Division of Alcoholism and Alcohol Abuse, State Department of Health, State Board of Social Welfare, State Department of Social Services, Secretary of State (except professional service corporations), the Legislature of the State of New York, or comparable departments of other states, territories of the United States, or the United States as determined by the department.

(ii) Experience satisfactory to the State Board for Social Work in nonfacility practice shall be:

(a) three years of not less than 48 weeks per year, exclusive of vacation, of not less than 20 patient contact sessions per week of at least 45 minutes each providing psychotherapy; and

(b) experience that follows receipt of the master's degree in social work, execpt for those persons who were licensed as certified social workers on the basis of criteria existing between September 1, 1965 and July 1, 1968, and whose experience qualifying for authorization under this section shall have been obtained subsequent to the experience used as qualifying for licensure.

(2) Supervision of experience. (i) The supervision of the required experience shall include at least biweekly individual onsite sessions which average not less than one hour per week, for the purpose of the improvement of skills and the assurance of ongoing review of patient/client treatment; and

(ii) The supervision shall be provided by:

(a) a social worker who, at the time of supervision of the applicant, met the qualifications for insurance reimbursement status and is a graduate of a Council on Social Work Education accredited graduate program, or its equivalent as determined by the department;

(b) a psychologist who, at the time of supervision of the applicant, was licensed as a psychologist in the state where supervision occurred, was qualified in psychotherapy as determined by the department and is a graduate of a program in psychology approved by the American Psychological Association, or an equivalent program as determined by the department; or

(c) a physician who, at the time of supervision of the applicant, was a diplomate in psychiatry of the American Board of Psychiatry and Neurology, Inc. or had the equivalent training and experience as determined by the department.

(3) Level of competence. Experience shall be of a level and nature acceptable to the State Board for Social Work as demonstrated by the submission of summaries describing the diagnosis and treatment of at least two cases. Such summaries shall include and demonstrate the relationship between the presenting problem, the background material, a formulation of case dynamics, a diagnostic statement, the treatment process and the treatment progress.

(d) Six-year credential. In order to fulfill the requirements of section 1 or 2 of chapter 990 of the Laws of 1984, the six years of experience in psychotherapy required of certified social workers shall be in accordance with the following criteria:

(1) Length of experience. Each candidate for a six-year credential shall have:

(i) three years of full-time experience providing psychotherapy services, which shall consist of not less than 48 weeks of employment per year, exclusive of vacation, in which the candidate provides psychotherapy services for a minimum of 20 patient contact sessions per week of at least 45 minutes per session, or the part-time equivalent of three years of such experience, which shall consist of the same total number of patient contact hours provided in whole or in part on a part-time basis over more than three years, except that part-time experience comprising less than 10 patient contact sessions of at least 45 minutes per session in any calendar week shall not be counted; and

(ii) no less than three subsequent calendar years of experience providing psychotherapy services, which shall comprise no less than 2,400 direct patient treatment hours of at least 45 minutes each with no less than 400 patient treatment hours in any one year.

(2) Time of experience. Experience to be acceptable shall follow receipt of the master's degree in social work, except for those who were licensed as certified social workers on the basis of criteria existing between September 1, 1965 and July 1, 1968, and whose experience qualifying for authorization under this section shall have been obtained subsequent to the experience used as qualifying for licensure.

(3) Setting of experience. Experience shall be obtained in:

(i) a facility formally approved in a manner satisfactory to the department by the State Education Department, Office of Mental Health, Office of Mental Retardation and Developmental Disabilities, Division of Substance Abuse Services, Division of Alcoholism and Alcohol Abuse, State Department of Health, State Board of Social Welfare, State Department of Social Services, Secretary of State (except professional service corporations), the Legislature of the State of New York, or comparable departments of other states, territories of the United States, or the United States as determined by the department.

(ii) an appropriately supervised private practice; or

(iii) a combination thereof.

(4) Supervision of experience. All experience shall be under satisfactory supervision in accordance with the requirements of this paragraph.

(i) To be satisfactory, supervision must be provided by:

(a) a social worker who, at the time of supervision of the applicant, met the qualifications for insurance reimbursement status as stated in subdivision (c) of this section and is a graduate of a Council on Social Work Education accredited graduate program, or its equivalent as determined by the department;

(b) a psychologist who, at the time of supervision of the applicant, was licensed as a psychologist in the state where supervision occurred, was qualified in psychotherapy as determined by the department and is a graduate of a program in psychology approved by the American Psychological Association, or an equivalent program as determined by the department; or

(c) a physician who, at the time of supervision of the applicant, was a diplomate in psychiatry of the American Board of Psychiatry and Neurology, Inc. or had the equivalent training and experience as determined by the department.

(ii) In the first three years of experience, satisfactory supervision shall mean individual in person sessions of not less than one hour per week, for the purpose of the improvement of skills and the assurance of ongoing review of patient/client treatment;

(iii) In the second three years of experience, satisfactory supervision shall mean:

(a) individual in person supervision or in person consultation of no less than two hours per month;

(b) facility-based group supervision or group consultation of no less than four hours per month with the supervisor employed by the facility;

(c) case seminars of no less than four hours per month in a formal course offered by an institution of higher education chartered by the Board of Regents; or

(d) group supervision where the supervisior is not employed by the facility, or peer supervision, consisting of no less than four hours per month. Candidates presenting peer or group supervision for approval shall also submit two case summaries satisfactory to the board. Such case summaries shall include and demonstrate the relationships among the presenting problem, the background material, a formulation of case dynamics, a diagnostic statement, the treatment process and the treatment progress.

(5) A credential issued pursuant to this subdivision may be issued retroactive to January 1, 1985 provided that the six years of experience were completed prior to January 1, 1985 and the application and all supporting documentation are received by the department not later than December 31, 1985.

(e) The fee for a credential issued pursuant to this section shall be $75.

PART 17
DISCIPLINARY PROCEEDINGS IN THE PROFESSIONS

Section 17.1 Complaints or other information
17.2 Investigation
17.3 Prosecution or settlement of disciplinary proceedings
17.4 Reports
17.5 Consent orders
17.6 Surrender of license
17.7 Violation of probation
17.8 Hearing panel; administrative officers
17.9 Summary suspensions

Section 17.1 Complaints or other information. All complaints or other information relating to licensees authorized to practice a profession under title VIII of the Education Law shall be referred to the executive director of the Office of Professional Discipline.

17.2 Investigation. The executive director of the Office of Professional Discipline or that officer's designee shall, in matters involving possible professional misconduct, initiate an investigation of each such complaint or other information.

17.3 Prosecution or settlement of disciplinary proceedings. Prosecution or settlement of disciplinary proceedings shall be conducted as provided in title VIII of the Education Law, and as provided in this Part.

17.4 Reports. The executive director of the Office of Professional Discipline or that officer's designee shall submit a report by April first of each year on the status of cases investigated during the previous year, as well as on the disposition of any criminal or civil matters processed through the office, to the chairman of the State Board for each of the professions supervised by the Board of Regents.

17.5 Consent orders. Disciplinary proceedings conducted pursuant to the provisions of title VIII of the Education Law may be disposed of in accordance with the following procedure:

(a) A licensee who is under investigation, or against whom charges have been voted, who admits guilt to at least one of the acts of misconduct alleged or charged, in full satisfaction of all allegations or charges, or who does not contest the allegations or charges or who cannot successfully defend against at least one of the acts of misconduct alleged or charged, shall notify the executive director of the Office of Professional Discipline or the director's designee.

(b) If the executive director of the Office of Professional Discipline or the director's designee, a designated member of the State Board for the applicable profession, and the licensee agree to a statement by the licensee admitting guilt to one or more of the allegations or charges or setting forth a decision not to contest the allegations or charges or stating that the licensee cannot successfully defend against such allegations or charges and agreeing to a proposed penalty, and if a designated member of the Board of Regents thereafter agrees to such statement and proposed penalty, a written application, signed by all the above, shall be submitted by the licensee to the Board of Regents based upon the statement and proposed penalty consenting to the issuance of an order of the Commissioner of Education effectuating such penalty. The provisions of this section shall also apply to licensees and registrants subject to section 230 of the Public Health Law and to article 137 of the Education Law. With respect to licensees subject to section 230 of the Public Health Law, the agreement of the director of the Office of Professional Medical Conduct or that officer's designee, and of the Commissioner of Health or his or her designee, to the statement and proposed penalty and their signatures on the application shall be required in lieu of the agreement and signature of the executive director, Office of Professional Discipline. With respect to licensees subject to the provisions of section 230 of the Public Health Law, the term State Board as used in this section means the State Board for Professional Medical Conduct. With respect to licensees and registrants subject to article 137 of the Education Law, the agreement of the executive secretary of the State Board of Pharmacy to the statement and proposed penalty and his or her signature on the application shall also be required.

(c) The application shall be in such form and shall contain such substance as is acceptable to the executive director of the Office of Professional Discipline or the director's designee.

(d) In the event an application is not granted by the Board of Regents, nothing contained therein shall be binding upon the licensee or construed to be an admission of any act of misconduct alleged or charged, and such application shall not be used against the licensee in any way. Any such application shall be kept in strict confidence during the pendency of the disciplinary proceeding. In addition, such denial by the Board of Regents shall be without prejudice to the continuance of the disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

(e) In the event the Board of Regents grants the application, the Commissioner of Education shall issue an order in accordance therewith.

17.6 Surrender of license. Disciplinary proceedings conducted pursuant to the provisions of title VIII of the Education Law may be disposed of in accordance with the following procedure:

(a) A licensee who is under investigation or against whom charges have been voted, who wishes to surrender his or her license to practice any of the professions enumerated in title VIII, shall notify the executive director of the Office of Professional Discipline or that officer's designee.

(b) An application to surrender a license shall be based upon a statement that the licensee admits guilt to at least one of the acts of misconduct alleged or charged, in full satisfaction of all allegations or charges, or does not contest the allegations or charges, or cannot successfully defend against at least one of the acts of misconduct alleged or charged. If the executive director or the director designee, a designated member of the State Board for the applicable profession, and the licensee agree to such statement, and if a designated member of the Board of Regents thereafter agrees to such statement, a written application, signed by the licensee, shall be submitted to the Board of Regents. The application shall be in such form and shall contain such substance as is acceptable to the executive director of the Office of Professional Discipline or the director's designee. The provisions of this section shall also apply to licensees and registrants subject to section 230 of the Public Health Law and to article 137 of the Education Law. With respect to licensees subject to section 230 of the Public Health Law, the agreement of the director of the Office of Professional Medical Conduct or that officer's designee and the Commissioner of Health or his or her designee to the statement, and their signature on the application, shall be required in lieu of the agreement and signature of the executive director of the Office of Professional Discipline. With respect to licensees subject to the provisions of section 230 of the Public Health Law, the term State Board as used in this section means the State Board for Professional Medical Conduct. With respect to licensees and registrants subject to article 137 of the Education Law, the agreement of the executive secretary of the State Board of Pharmacy to the statement and his or her signature on the application shall also be required.

(c) In the event the application is not granted by the Board of Regents, nothing contained therein shall be binding upon the licensee or construed to be an admission of any act of misconduct alleged or charged, and such application shall not be used against the licensee in any way. The application shall be kept in strict confidence during the pendency of the disciplinary proceeding. In addition, any such denial by the Board of Regents shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

(d) In the event the Board of Regents grants the application, the Commissioner of Education shall issue an order in accordance therewith. The order shall include a provision that the licensee may not apply for the restoration of the license affected by the granted application until at least one year has elapsed from the effective date of such order.

17.7 Violation of probation. (a) Upon the receipt of information indicating that the respondent may be in violation of any of the terms or conditions of respondent's probation, the department shall conduct an investigation.

(b) The executive director of the Office of Professional Discipline shall review the results of the investigation and if the executive director determines that a violation of probation proceeding is warranted, the executive director shall give notice to the respondent, by letter, of the facts forming the basis of the alleged violation of respondent's probation. The respondent, in said letter, shall be requested to indicate whether there is any dispute as to the facts, and shall be informed that if respondent disputes any of the facts the respondent shall be entitled to a hearing thereon.

(c) If the respondent does not dispute the facts forming the basis of the alleged violation of probation, the matter shall be submitted to the Regents Review Comittee for its review and recommendation(s) as to whether, based upon the undisputed facts, there has been a viola-

tion of the terms or conditions of respondent's probation and, if so, as to the measure of discipline to be imposed upon the respondent.

(d) If the respondent disputes any of the facts forming the basis of the alleged violation of probation, the respondent shall be afforded a hearing before a hearing officer appointed by the commissioner to hear and make findings of fact, conclusions of law and recommendation(s). The department shall give the respondent at least 10 days' notice of the hearing, 15 if by mail. The evidence in support of the application shall be presented by counsel on behalf of the department and the respondent shall also have the right to be represented by counsel. The department and the respondent have the right to produce witnesses and other evidence, to cross-examine witnesses, and to examine any other evidence produced at the hearing. A stenographic record of the hearing will be made, and the hearing officer shall not be bound by the rules of evidence, but the findings of fact and conclusions of law of the hearing officer shall be based upon substantial evidence.

(e) The report of the hearing officer shall be reviewed by the Regents Review Committee.

(f) The Regents Review Committee shall notify the respondent, at least seven days before its meeting, of the time and place of such meeting, and shall also notify the respondent of the opportunity to appear in person and to be represented by counsel at such meeting.

(g) The Regents Review Committee shall transmit the report of the hearing officer and a written report of its review to the Board of Regents. The final determination shall be made by the Board of Regents, and the commissioner shall issue an order implementing such determination.

(h) The measure of discipline to be imposed for any violation of probation may be to continue the respondent on probation for a period in addition to the period of probation imposed in the original order, or to terminate the probation, vacate the stay of execution, and impose any measure of discipline authorized by section 6511 of the Education Law. A violation of probation shall constitute unprofessional conduct, and may constitute the basis for proceedings under either the provisions of section 6510 of the Education Law or of this Part.

17.8 Hearing panel; administrative officers. Findings of fact, recommendations as to penalties to be imposed, and any other actions taken by a hearing panel in disciplinary proceedings, except as hereinafter set forth, shall be made by majority vote. Any determination of guilt shall require a minimum of a four fifths vote of the hearing panel. An administrative officer, admitted to practice as an attorney in the State of New York, shall rule on all motions, procedures and other legal objections, and draft a report which shall reflect the determination and recommendation of the panel and be subject to the approval of and signature by the panel chairperson on behalf of the panel. The administrative officer shall not be entitled to a vote.

17.9 Summary suspensions. (a) If the executive director of the Office of Professional Discipline or that officer's designee believes that the public health, safety or welfare imperatively requires emergency action against a professional license, certificate, registration, permit or other authorization of the licensee to practice under title VIII of the Education Law, the executive director or the director's designee may make an application, on behalf of the department, to the Board of Regents for the summary suspension of said authorization pending the prompt institution prosecution and completion of formal disciplinary proceedings as provided under section 6510 of the Education Law.

(b) Summary suspension proceedings shall be commenced by the service on the licensee of a notice of hearing and a verified petition. The notice of hearing shall state the time and place or oral argument on the application for summary suspension and the regent designated by the chancellor to hear the matter, and shall include a copy of this rule. The notice of hearing and petition shall be personally served upon the licensee no later than five days prior to the date set for oral argument. If personal service cannot be made after due diligence, the notice of hearing and petition may be served by certified mail, to the licensee's last known address, not less than eight days prior to the date set for oral argument. The petition shall set forth the basis for the application and shall include sworn statements upon personal knowledge and/or exhibits demonstrating probable cause to believe that respondent has committed professional misconduct and that the public health, safety or welfare imperatively requires emergency action to summarily suspend respondent's license. A verified answer and any sworn statements and supporting exhibits may be served by respondent upon the executive director of the Office of Professional Discipline or that officer's designee no later than two days prior to the date set for oral argument. The executive director or designee may serve a verified reply, together with any sworn statement and supporting exhibits, to the answer no later than the day prior to the date of oral argument. The answer and/or reply may be served by certified mail by mailing to the addressee no later than three and two days, respectively, prior to

the date set for oral argument. The petition, answer and reply, together with any sworn statement and supporting exhibits, shall be transmitted at the time of service of each paper to the regent designated to hear the case. Saturdays, Sundays and legal holidays shall be excluded in calculating the periods of time set forth in this subdivision.

(c) At the oral argument, the Office of Professional Discipline and respondent and/or his or her attorney shall have the right to be heard, but no testimony shall be taken and no transcript of oral arguments shall be required. No further papers shall be submitted at the oral argument except by permission of the regent designated to conduct the proceeding.

(d) The regent designated by the chancellor to conduct the proceeding shall submit a written report of his or her conclusions and recommendation(s) to the Board of Regents, which shall determine whether to grant or deny the application for summary suspension. A determination by the Board of Regents granting the application must be based upon a finding that the public health, safety or welfare imperatively requires emergency action.

(e) Any determination of the Board of Regents shall be without prejudice to the department or licensee in any subsequent formal disciplinary proceeding.

PART 24
COMMITTEE ON THE PROFESSIONS

Section 24.1 The Committee on the Professions shall consist of three department officers designated by the Board of Regents pursuant to Section 6506 (10) of the Education Law.

24.2 The Committee on the Professions shall review and make recommendations or determinations in licensing matters as provided in this Part or pursuant to referrals from the Board of Regents.

24.3 The Committee on the Professions shall review and determine questions of the preprofessional or professional education of applicants for licensure or other authorizations to practice in accordance with the following standards:

(a) Preprofessional education.

(1) The Committee on the Professions may accept graduation from a professional program which is either registered by the department or nationally accredited in lieu of a maximum of six semester hours of preprofessional education.

(2) The Committee on the Professions may accept postsecondary study satisfactory to the department and performed after completion of professional study requirements in lieu of a maximum of 30 semester hours of required preprofessional study.

(b) Professional education. As the equivalent of a professional program registered by the department, the Committee on the Professions may accept a professional program which is:

(1) offered by an institution accredited by an accrediting organization acceptable to the department or recognized by the appropriate civil authorities of the country in which the school is located as an acceptable program of preparation for professional practice; and

(2) designed and conducted by the degree-granting institution to prepare graduates for the professional practice of the profession in the state or country in which the institution is located; and

(3) demonstrated to be the substantial equivalent in scope, content, and resources to a program meeting the requirements established by Part 52 of this Title for the registration of a professional licensure qualifying program in the State.

24.4 The Committee on the Professions may review and determine appeals from licensing determinations of the department staff relating to education or experience requirements if the chairman of the Committee determines that the appeal involves a substantial or novel question which should be reviewed by the Committee.

24.5 The Committee on the Professions shall review and determine appeals pursuant to section 18.7 of this Chapter relating to the voluntary surrender and restoration of licenses.

24.6 The Committee on the Professions shall review and determine questions of moral character in accordance with the provisions of Part 28 of this Chapter.

24.7 The Committee on the Professions shall review and submit its recommendation to the Board of Regents for final determinations in the following cases:

(a) applications pursuant to Education Law, section 6506 (5) for the waiver of an education, experience or examination requirement on the ground that the requirement has been substantially met, and

(b) petitions for restoration of a professional license which has been revoked or surrendered pursuant to Education Law, sections 6510 or 6510-a. At least one year shall have elapsed from the date of service of the order of revocation, acceptance of surrender, or denial of a prior application for restoration or reinstatement by vote of the Board of Regents, for the acceptance by the department of a petition to the Board of Regents for restoration of a license or certificate. This section shall not apply to restoration of licenses which have been temporarily surrendered pursuant to Education Law section 6510-b or Public Health Law section 230, subdivision 13.

24.8 Reconsideration. An application for reconsideration of a determination made by the Committee on the Professions or by the Board of Regents following a Com-

mittee on the Professions recommendation may be accepted upon a showing that the original action was based on an error of law, or that there is new and material evidence which was not previously available, or that circumstances have changed subsequent to the original determination.

PART 28
DETERMINATION OF GOOD MORAL CHARACTER IN THE PROFESSIONS

Section 28.1 Determination of good moral character
28.2 Information
28.3 Investigation
28.4 Review
28.5 Hearing
28.6 Appeal
28.7 Reapplication

Section 28.1 Determination of good moral character. The determination of whether an applicant for authorization to practice a profession, under title VIII of the Education Law, is of good moral character shall be made in accordance with the procedures specified in this Part.

28.2 Information. All information indicating that an applicant has been convicted of a crime, or has committed an act which raises a reasonable question as to the applicant's moral character, shall be referred to the executive director of the Office of Professional Discipline or his or her designee.

28.3 Investigation. The executive director of the Office of Professional Discipline, or his or hr designee, shall arrange for a full and complete investigation of the circumstances surrounding such conviction or act. If it is determined that a reasonable question exists as to the applicant's moral character, then the executive director, or his or her designee, shall submit the results of the investigation, including any letters of reference from peers or others which may have been submitted by the applicant, to a panel of the appropriate professional State Board for its review. The panel shall consist of three or more members of the State Board.

28.4 Review. Upon such review, the panel, by majority vote, may conclude in favor of the applicant to the effect that the moral character of the applicant is adequate for licensure, thereby fulfilling that licensure requirement, and the applicant and the director of the Division of Professional Licensing Services shall be notified of such conclusion by the Office of Professional Discipline. If, upon such review, the panel concludes, by a majority vote, that a substantial question exists as to the moral character of the applicant, the applicant shall be notified thereof. Upon the written request of the applicant, within 30 days after receipt of such notice, the department shall schedule a hearing on such question.

28.5 Hearing. The applicant shall be given 15 days' notice, by mail, of the time and place of the hearing and a statement of the matters asserted which raised the question of the applicant's moral character. The applicant may be represented at the hearing by an attorney, may cross-examine witnesses, may produce witnesses, and may present evidence in support of the applicant's good moral character. The hearing, at which a verbatim record shall be taken, shall take place before a panel consisting of three or more members of the appropriate professional State Board, and before an administrative officer admitted to practice as an attorney in the State of New York, designated by the department. Such administrative officer shall have authority to rule on all motions, procedures and other legal objections, but shall not be entitled to vote in the determination of the panel. The determination of the panel shall be made by a majority vote of the panel and shall be rendered in a written report which shall be drafted by the administrative officer, shall reflect the determination and recommendations of the panel, and shall be subject to the approval of and signature by the panel chairperson on behalf of the panel. Copies of the report shall be forwarded to the director of the Division of Professional Licensing Services and to the applicant.

28.6 Appeal. The applicant or the executive director of the Office of Professional Discipline may appeal the determination of the panel concerning the licensure requirement of good moral character by filing a written notice of appeal therefrom with the Committee on the Professions within 30 days after service of the report of the panel upon the party taking the appeal. In the event no appeal is taken from the determination of the panel, the determination of the panel shall be final. In the event either party appeals from the determination of the panel, the appellant may submit a brief to the Committee on the Professions and the opposing party within 30 days after filing the notice of appeal. An answering brief may be filed by the opposing party with the Committee

on the Professions within 20 days after the receipt by the opposing party of the brief submitted by the appellant. The Committee on the Professions may affirm, reverse or modify the determination of the panel and/or make such other determination as it may deem just and proper under the circumstances. The determination of the Committee on the Professions shall be final and copies thereof shall be forwarded to the applicant and to the executive director of the Office of Professional Discipline.

28.7 Reapplication. Whether or not the applicant appeals from the determination of the panel, the applicant may reapply for licensure to the director of the Division of Professional Licensing Services after the expiration of 18 months from the date of service of the report of the panel.

REGENTS RULES ON UNPROFESSIONAL CONDUCT

Section 29.1

GENERAL PROVISIONS FOR ALL PROFESSIONS

(a) Unprofessional conduct shall be the conduct prohibited by this section. The provisions of these rules applicable to a particular profession may define additional acts or omissions as unprofessional conduct and may define additional acts or omissions as unprofessional conduct and may establish exceptions to these general prohibitions.

(b) Unprofessional conduct in the practice of any profession licensed or certified pursuant to title VIII of the Education Law shall include:

(1) willful or grossly negligent failure to comply with substantial provisions of Federal, State or local laws, rules or regulations governing the practice of the profession;

(2) exercising undue influence on the patient or client, including the promotion of the sale of services, appliances or drugs in such manner as to exploit the patient or client for the financial gain of the practitioner or of a third party;

(3) directly or indirectly offering, giving, soliciting, or receiving or agreeing to receive, any fee or other consideration to or from a third party for the referral of a patient or client or in connection with the performance of professional services;

(4) permitting any person to share in the fees for professional services, other than: a partner, employee, associate in a professional firm or corporation, professional subcontractor or consultant authorized to practice the same profession, or a legally authorized trainee practicing under the supervision of a licensed practitioner. This prohibition shall include any arrangement or agreement whereby the amount received in payment for furnishing space, facilities, equipment or personnel services used by a professional licensee constitutes a percentage of, or is otherwise dependent upon, the income or receipts of the licensee from such practice, except as otherwise provided by law with respect to a facility licensed pursuant to article 28 of the Public Health Law or article 13 of the Mental Hygiene Law;

(5) conduct in the practice of a profession which evidences moral unfitness to practice the profession;

(6) willfully making or filing a false report, or failing to file a report required by law or by the Education Department, or willfully impeding or obstructing such filing, or inducing another person to do so;

(7) failing to make available to a patient or client, upon request, copies of documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client;

(8) revealing of personally identifiable facts, data or information obtained in a professional capacity without the prior consent of the patient or client, except as authorized or required by law;

(9) practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform, or performing without adequate supervision professional services which the licensee is authorized to perform only under the supervision of a licensed professional, except in an emergency situation where a person's life or health is in danger;

(10) delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience or by licensure, to perform them;

(11) performing professional services which have not been duly authorized by the patient or client or his or her legal representative;

(12) advertising or soliciting for patronage that is not in the public interest:

(i) Advertising or soliciting not in the public interest shall include but not be limited to advertising or soliciting that:

(a) is false, fraudulent, deceptive, misleading, sensational or flamboyant;

(b)represents intimidation or undue pressure;

(c)uses testimonials;

(d)guarantees any service;

(e) makes any claim relating to professional services or products or the cost or price therefor which cannot be substantiated by the licensee, who shall have the burden of proof;

(f) makes claims of professional superiority which cannot be substantiated by the licensee, who shall have the burden of proof;

(g) offers bonuses or inducements in any form other than a discount or reduction in an established fee or price for a professional service or product;

(ii) The following shall be deemed appropriate means of informing the public of the availability of professional services:

(a) informational advertising not contrary to the foregoing prohibitions; and

(b) the advertising in a newspaper, periodical or professional directory or on radio or television of fixed prices, or a stated range of prices, for specified routine professional services, provided that there is an additional charge for related services which are an integral part of the overall service being provided by the licensee and the advertisement shall so state, and provided further that the advertisement indicates the period of time for which the advertised prices shall be in effect;

(iii) (a) all licensees placing advertisements shall maintain, or cause to be maintained, an exact copy of each advertisement, transcript, or videotape thereof as appropiate for the medium used, for a period of one year after its last appearance. This copy shall be made available for inspection upon demand of the Education Department or in the case of physicians, physician's and specialist's assistants, the Department of Health;

(b) a licensee shall not compensate or give anything of value to representatives of the press, radio, television or other communications media in anticipation of or in return for professional publicity in a news item;

(iv) No demonstrations, dramatizations or other portrayals of professional practice shall be permitted in advertising on radio or television;

(13) failing to respond within 30 days to written communications from the Education Department or the Department of Health and to make available any relevant records with respect to an inquiry or complaint about the licensee's unprofessional conduct. The period of 30 days shall commence on the date when such communication was delivered personally to the licensee. If the communication is sent from either department by registered or certified mail, with return receipt requested, to the address appearing in the last registration the period of 30 days shall commence on the date of delivery to the licensee, as indicated by the return receipt.

(14) violating any term of probation or condition or limitation imposed on the licensee by the Board of Regents pursuant to Education Law section 6511.

Section 29.2

GENERAL PROVISIONS FOR HEALTH PROFESSIONS

(a) Unprofessional conduct shall also include, in the professions of:

medicine	ophthalmic dispensing
acupuncture	psychology
physical therapy	social work
physician's assistant	massage
specialist's assistant	occupational therapy
chiropractic	speech pathology
dentistry	audiology
dental hygiene	nursing
podiatry	(registered professional
optometry	nurse, licensed
pharmacy	practical nurse):

(1) abandoning or neglecting a patient or client under and in need of immediate professional care, without making reasonable arrangements for the continuation of such care, or abandoning a professional employment by a group practice, hospital, clinic or other health care facility, without reasonable notice and under circumstances which seriously impair the delivery of professional care to patients or clients;

(2) willfully harassing, abusing or intimidating a patient either physically or verbally;

(3) failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient. Unless otherwise provided by law, all patient records must be retained for at least six years. Obstetrical records and records of minor patients must be retained for at least six years, and until one year after the minor patient reaches the age of 21 years;

(4) using the word "Doctor" in offering to perform professional services without also including the profession in which the licensee holds a doctorate;

(5) failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensed professional;

(6) guaranteeing that satisfaction or a cure will result from the performance of professional services;

(7) ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient;

(8) claiming or using any secret or special method of treatment which the licensee refuses to divulge to the State Board for the profession;

(9) failing to wear an identifying badge, which shall be conspicuously displayed and legible, indicating the practitioner's name and professional title authorized pursuant to the Education Law, while practicing as an employee or operator of a hospital, clinic, group practice or multiprofessional facility, or at a commercial establishment offering health services to the public;

(10) entering into an arrangement with the pharmacy for the compounding and/or dispensing of coded or specially marked prescriptions;

(11) with respect to all professional practices conducted under an assumed name, other than facilities licensed pursuant to article 28 of the Public Health Law or article 13 of the Mental Hygiene Law, failing to post conspicuously at the site of such practice the names and licensure field of all of the principal professional licensees engaged in practice at that site (i.e., principal partners, officers or principal shareholders).

(b) Unprofessional conduct shall also include, in those professions specified in section 18 of the Public Health Law and in the professions of acupuncture and massage, failing to provide access by qualified persons to patient information in accordance with the standards set forth in section 18 of the Public Health Law. In the professions of acupuncture and massage, qualified persons may appeal the denial of access to patient information in the manner set forth in section 18 of the Public Health Law to a record access committee appointed by the executive secretary of the appropriate State Board. Such record access review committees shall consist of not less than three nor more than five members of the appropriate State Board.

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Fordham University
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